



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY  
साप्ताहिक  
WEEKLY

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सं. 2] नई दिल्ली, जनवरी 8—जनवरी 14, 2017, शनिवार/पौष 18—पौष 24, 1938  
No. 2] NEW DELHI, JANUARY 8—JANUARY 14, 2017, SATURDAY/ PAUSA 18—PAUSA 24, 1938

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

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भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

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कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

नई दिल्ली, 9 जनवरी, 2017

का.आ. 66.—केन्द्र सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पंजाब सरकार, गृह विभाग, गृह-4 शाखा चण्डीगढ़ की सहमति से दिनांक 11.09.2016 की अधिसूचना सं. 7/105/2016-4एच/1669 द्वारा भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं.45) की धारा 302, 34, 120-बी और सशस्त्र अधिनियम [अर्थात् सशस्त्र अधिनियम, 1959 की धारा 25 और 27 (1959 का अधिनियम 54)] की धाराओं 25/27/54/59 के अधीन पुलिस स्टेशन साहनेवाल, जिला लुधियाना की एफआईआर सं.74, भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं.45) 302, 120-बी और विस्फोटक पदार्थ अधिनियम, 1908 (1908 की अधिनियम सं. 6 की धारा 3,4 तथा 5 के अधीन) की धारा 3,4 तथा 5 के अधीन दिनांक 04.12.2015 की एफआईआर 185 पुलिस स्टेशन मकसूदन, जिला जालंधर और पुलिस स्टेशन कूम कलां, जिला लुधियाना, पंजाब और भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं.45) की धारा सशस्त्र अधिनियम, 1959 [सशस्त्र अधिनियम, 1959 की धारा 25 और 27 (1959 का अधिनियम 54)] की धाराओं 25/27/54/59 के अधीन दिनांक 04.04.2016 की एफआईआर सं. 30 से संबंधित मामलों का अन्वेषण करने और हत्याओं की उक्त

घटनाओं से संबंधित षडयंत्र को उजागर करने या उक्त तथ्य या तथ्यों से उत्पन्न होने वाले अन्य घटित अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और न्यायाधिकार क्षेत्र का विस्तार सम्पूर्ण पंजाब राज्य पर करती है।

[फा. सं. 228/46/2016-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

### (Department of Personnel and Training)

New Delhi, the 9th January, 2017

**S.O. 66.**—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Punjab, Department of Home Affairs, Home-4 Branch, Chandigarh vide Notification No. 7/105/2016-4H/1669 dated 11.09.2016 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Punjab for investigation of Case FIR No. 74, dated 12.04.2011 u/s 302, 34, 120-B of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Sections 25/27/54/59 of Arms Act [i.e. Section 25 and 27 of Arms Act, 1959 (Act No. 54 of 1959)], of Police Station Sahnewal, District Ludhiana, FIR No. 185 dated 04.12.2015 u/s 302, 120-B of Indian Penal Code, 1860 (Act No. 45 of 1860) and u/s 3, 4 & 5 of Explosive Act [i.e. u/s 3, 4 and 5 of the Explosive Substances Act, 1908 (Act No. 6 of 1908)] Police Station Maqsoodan, District Jalandhar and Case FIR No. 30 dated 04.04.2016 u/s 302, 34 of Indian Penal Code, 1860 (Act No. 45 of 1860), u/s 25/27/54/59 of Arms Act, 1959 [i.e. Section 25 and 27 of Arms Act, 1959 (Act No. 54 of 1959)] Police Station Koom Kalan, District Ludhiana, Punjab and to unearth the conspiracy in relation to or in connection with the said incidents of murders and any other offence committed in the course of the same offence or arising out of the same fact or facts.

[F.No. 228/46/2016-AVD-II]

S. P. R. TRIPATHI, Under Secy.

## वित्त मंत्रालय

### (वित्तीय सेवाएं विभाग)

नई दिल्ली, 28 दिसम्बर, 2016

**का.आ. 67.**—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, न्यूयॉर्क यूनिवर्सिटी – स्टर्न स्कूल ऑफ बिजनेस में अर्थशास्त्र के प्रोफेसर श्री विरल वी. आचार्य (जन्म तिथि 01.03.1974) को पद का कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, डॉ. उर्जित आर. पटेल के स्थान पर भारतीय रिजर्व बैंक के उप-गवर्नर के पद पर नियुक्त करती है।

[फा.सं. 7/1/2012-बीओ-I (पार्ट)]

ज्ञानतोष राय, अवर सचिव

## MINISTRY OF FINANCE

### (Department of Financial Services)

New Delhi, the 28<sup>th</sup> December, 2016

**S.O. 67.**—In exercise of the powers conferred by clause (a) of Sub-section 1 read with Sub-section (4) of Section 8 of the Reserve Bank of India Act, 1934, the Central Government hereby appoints Shri Viral V. Acharya (DoB:01.03.1974), Professor of Economics, New York University-Stern School of Business as Deputy Governor, Reserve Bank of India for a period of three years from the date of his taking over charge of the post or until further orders, whichever is earlier vice Dr. Urjit R. Patel.

[F.No. 7/1/2012-BO-I(Pt.)]

JNANATOSH ROY, Under Secy.

**कृषि एवं किसान कल्याण मंत्रालय**

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 25 नवम्बर, 2016

**का.आ. 68.**—केन्द्रीय सरकार, कृषि एवं किसान कल्याण मंत्रालय, कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, भा.कृ.अ.प.-कृषि ज्ञान प्रबंध निदेशालय (डीकेएमए) को जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

[फा. सं. 13-10/2009-हिंदी/10]

राजेश कुमार, अवर सचिव

**MINISTRY OF AGRICULTURE AND FARMER WELFARE**

(Department of Agricultural Research and Education)

New Delhi, the 25th November, 2016

**S.O. 68.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government, Ministry of Agriculture and Farmer Welfare, Department of Agricultural Research and Education hereby notifies the ICAR-Directorate of Knowledge Management in Agriculture (DKMA), ICAR, Krishi Anusandhan Bhavan, Pusa, New Delhi. The DKMA where more than 80% of staff have acquired the working knowledge of Hindi.

[F. No. 13-10/2009-Hindi/10]

RAJESH KUMAR, Under Secy.

**आवास और शहरी गरीबी उपशमन मंत्रालय**

(आवास प्रभाग)

आदेश

नई दिल्ली, 13 जनवरी, 2017

**का.आ. 69.**—यतः भू सम्पदा (विनियमन और विकास) अधिनियम, 2016 (2016 का 16) की धारा 20 की उप-धारा (1) के तृतीय परंतुक (यहां अधिनियम के रूप में सन्दर्भित) में यह व्यवस्था की गई है कि समुचित सरकार नियामक प्राधिकरण के गठन होने तक, इस अधिनियम के अन्तर्गत प्रयोजन हेतु किसी नियामक प्राधिकारी अथवा नियामक प्राधिकारी के रूप में किसी अधिकारी की नियुक्ति करेगी।

और यतः, इस अधिनियम की धारा 43 की उप-धारा (4) के पहले परंतुक में यह व्यवस्था है कि अपीलीय प्राधिकरण के गठन होने तक, समुचित सरकार इस अधिनियम के अन्तर्गत अपील की सुनवाई करने के लिए अपीलीय प्राधिकरण को तत्समय प्रवृत्त किसी विधि के अन्तर्गत किसी भी कार्यरत अपीलीय प्राधिकारी की नियुक्ति करेगी;

और यतः केन्द्र सरकार, इस अधिनियम की धारा 2 (छ) के अनुसार चण्डीगढ़ संघ राज्य क्षेत्र के लिए उक्त अधिनियम के अन्तर्गत समुचित सरकार है।

अतः अब, इस अधिनियम की धारा 20 की उप-धारा (1) के तीसरे परंतुक और धारा 43 की उप-धारा (4) के प्रथम परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा इस अधिनियम के प्रयोजनों हेतु सचिव, आवास चण्डीगढ़ प्रशासन को नियामक प्राधिकारी और मूल्य सर्वर्धित कर प्राधिकरण, चण्डीगढ़ संघ राज्य क्षेत्र को अपीलीय अधिकरण के रूप में नियुक्त करती है।

[फा. सं. ओ-17034/18/2009-एच]

सतिन्दर पाल सिंह, निदेशक

**MINISTRY OF HOUSING AND URBAN POVERTY ALLEVIATION**  
(HOUSING DIVISION)

**ORDER**

New Delhi, the 13th January, 2017

**S.O. 69.**—Whereas, the third proviso to sub-section (1) of section 20 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) (hereinafter referred to as the Act) stipulates that until the establishment of a Regulatory Authority, the appropriate Government shall designate any Regulatory Authority or any officer as the Regulatory Authority for the purposes under the Act;

And whereas, the first proviso to sub-section (4) of section 43 of the Act stipulates that until the establishment of an Appellate Tribunal, the appropriate Government shall designate any Appellate Tribunal functioning under any law for the time being in force to be the Appellate Tribunal to hear appeals under the Act;

And whereas, the Central Government is the appropriate Government under the Act for the Union territory of Chandigarh in terms of clause (g) of Section 2 of the Act;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (1) of section 20 and the first proviso to sub-section (4) of section 43 of the Act, the Central Government hereby designates Secretary, Housing, Chandigarh Administration as the Regulatory Authority, and the Value Added Tax Tribunal, Union territory of Chandigarh as the Appellate Tribunal, respectively, for the purposes of the Act.

[F. No. O-17034/18/2009-H]  
SATINDER PAL SINGH, Director

**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 70.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 24/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/74/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 4th January, 2017

**S.O. 70.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.01.2017.

[No. L-12011/74/2012-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/24/2013**

General Secretary,  
Dainik Vetan Bhogi Bank Karmchari Sangathan,  
F-1, Tripti Vihar,  
Opp. Engineering College,  
Ujjain (MP)

...Workman/Union

**Versus**

Branch Manager,  
State Bank of India,  
Manavar Branch,  
Distt. Dhar (MP)

...Management

### AWARD

Passed on this 27<sup>th</sup> day of September 2016

1. As per letter dated 1-2-2013 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/74/2012-IR(B-I). The dispute under reference relates to:

“Whether Shri Sanjay Solanki is entitled for full wages as paid to permanent peon for the period from 12-1-02 to 2-12-2010? If so what relief, he is entitled to? (2) State Bank of India is a Banking Industry? (3) The nearest Tribunal is CGIT, Jabalpur.”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through General Secretary of Daily Wage Employees Union. The case of Ist party workman is that he was working as peon in Manvar branch, Distt. Dhar from 12-1-02. He was working for 8 hours in a day, he worked more than 240 days during each of the year. He was paid wages Rs.40,60, 80, 125, 150 per day. He was paid wages in bogus names. He raised dispute about illegal termination of his service. the dispute has been registered. That he was working with 2<sup>nd</sup> party till 2-12-2010 during relevant period. The pay scale wages as per 8<sup>th</sup> & 9<sup>th</sup> bipartite settlement for post of peon were Rs.4060- 7560, 5500- 11000. That he is entitled to scale wages. That SBI Karur and Vaishya, Bank of Maharashtra have paid scale wages to temporary peons. He is not paid scale wages as per 8<sup>th</sup>, 9<sup>th</sup> Bipartite Settlement is punishable under Section 29 of ID Act. On such ground, workman claims difference of scale wages.

3. 2<sup>nd</sup> party management filed Written Statement opposing claim of Ist party workman. 2<sup>nd</sup> party reiterates that workman was engaged temporarily on daily wages as Manvar branch, Distt. Dhar in erstwhile State Bank of Indore. He was paid wages on daily wage basis. Workman was never appointed on permanent basis in the Bank. His engagement was purely temporary on administrative exigencies. Ist party was never engaged against sanctioned post. That he worked for some day during the period 2002 on daily wage basis. He is not entitled to claim benefits of difference of scale wages as per bipartite settlements. Bipartite Settlements are not applicable to persons engaged on temporary casual daily wage basis. Bipartite Settlement remained effective normally for period of 5 years. Union represents permanent employees of the Bank. The benefits under Bipartite Settlement are payable only to permanent employees of the Bank. 2<sup>nd</sup> party denied that workman is entitled to benefits of scale under 8<sup>th</sup>, 9<sup>th</sup> bipartite settlements. All adverse contentions of workman have been denied. 2<sup>nd</sup> party has referred to ratio held in various cases. 2<sup>nd</sup> party prays that reference be answered in its favour.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether State Bank of India is Banking Industry?	In Affirmative
(ii) Whether Shri Sanjay Solanki is entitled for full wages as paid to permanent peon for the period from 12-1-02 to 2-12-2010?	In Negative
(iii) If not, what relief the workman is entitled to?”	As per final order

### REASONS

5. The terms of reference pertains to whether SBI is Banking Industry? There is absolutely no pleading in statement of claim or Written Statement that State Bank of India is an industry. Considering the 2<sup>nd</sup> party State Bank is engaged in Banking business, apparently it is covered as industry under Section 2(j) of ID Act. Therefore I record my finding in Point No.1.

6. Point No.2- The term of reference also pertains to whether workman is entitled to full wages paid to permanent peon for the period 12-1-02 to 2-12-2010. 2<sup>nd</sup> party has admitted documents Exhibit W-1, W-2. Exhibit W-1 shows working days of workman during the period 2002 to 2010 less than 240 days during each of the year. As per exhibit W-2, Ist party workman was paid 8/33 % bonus amount Rs.12590. Ist party has not produced 8<sup>th</sup>, 9<sup>th</sup> bipartite settlement.

7. Management's witness Shri Narendra Kumar Mehta filed affidavit of his evidence. Management's witness says that workman was engaged on daily wages for some days during the period from 2002 to 2010. That workman was not appointed as permanent employee of the Bank he is not entitled to benefit of pay scale under bipartite settlement. Only permanent employees of the Bank are entitled to benefit of Bipartite settlement. The management's witness in his cross admitted documents Exhibit W-1, W-2. When regular employee used to be on leave, workman was called for work. He has not seen any documents in that regard. The management's witness further says policy regarding payment of wages is not produced. He was unable to tell what was the rate of minimum wages to be paid during the period 2002 to 2010. Ist party has not produced 8<sup>th</sup>, 9<sup>th</sup> bipartite settlement, it is difficult to decide whether workman engaged on daily wages is entitled to benefit of pay scale wages under 8<sup>th</sup>, 9<sup>th</sup> bipartite settlement. For the reasons discussed above, I record my finding in Point No.2 in Negative.

8. In the result, award is passed as under:-

- (1) State Bank of India is covered as Industry under IDAct.
- (2) Ist party workman Shri Sanjay Solanki is not entitled to payment of full wages for the period from 12-1-02 to 1-12-2010.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 71.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 23/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/86/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 71.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.01.2017.

[No. L-12011/86/2012-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/23/2013

General Secretary,  
Dainik Vetan Bhogi Bank Karmchari Sangathan,  
F-1, Tripti Vihar,  
Opp. Engineering College,  
Ujjain (MP)

...Workman/Union

#### Versus

Branch Manager,  
State Bank of India,  
Manavar Branch,  
Distt. Dhar (MP)

...Management

#### AWARD

Passed on this 27<sup>th</sup> day of September 2016

1. As per letter dated 1-2-2013 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/86/2012-IR(B-I). The dispute under reference relates to:

“Whether Shri Ganpat is entitled for full wages as paid to permanent peon for the period from 8-4-93 to 2-12-2010? If so what relief, he is entitled to? (2) State Bank of India is a Banking Industry? (3) The nearest Tribunal is CGIT, Jabalpur.”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through General Secretary of Daily Wage Employees Union. The case of Ist party workman is that he was working as peon in Manvar branch, Distt. Dhar from 8-4-93. He was working for 8 hours in a day, he worked more than 240 days during each of the year. He was paid wages Rs.40,60, 80, 125, 150 per day. He was paid wages in bogus names. He raised dispute about illegal termination of his service. the dispute has been registered. That he was working with 2<sup>nd</sup> party till 2-12-2010 during relevant period. The pay scale wages as per 6<sup>th</sup> to 9<sup>th</sup> bipartite settlement for post of peon were 6<sup>th</sup>- 1600 – 3020, 7<sup>th</sup>- 2750-5850, 8<sup>th</sup> – 4060-7560, 9<sup>th</sup> – 5500-11000.. That he is entitled to scale wages. That SBI Karur and Vaishya, Bank of Maharashtra have paid scale wages to temporary peons. He is not paid scale wages as per 6<sup>th</sup> to 9<sup>th</sup> Bipartite Settlement is punishable under Section 29 of ID Act. On such ground, workman claims difference of scale wages.
3. 2<sup>nd</sup> party management filed Written Statement opposing claim of Ist party workman. 2<sup>nd</sup> party reiterates that workman was engaged temporarily on daily wages as Manvar branch, Distt. Dhar in erstwhile State Bank of Indore. He was paid wages on daily wage basis. Workman was never appointed on permanent basis in the Bank. His engagement was purely temporary on administrative exigencies. Ist party was never engaged against sanctioned post. That he worked for some day during the period 2002 on daily wage basis. He is not entitled to claim benefits of difference of scale wages as per bipartite settlements. Bipartite Settlements are not applicable to persons engaged on temporary casual daily wage basis. Bipartite Settlement remained effective normally for period of 5 years. Union represents permanent employees of the Bank. The benefits under Bipartite Settlement are payable only to permanent employees of the Bank. 2<sup>nd</sup> party denied that workman is entitled to benefits of scale under 6<sup>th</sup> to 9<sup>th</sup> bipartite settlements. All adverse contentions of workman have been denied. 2<sup>nd</sup> party has referred to ratio held in various cases. 2<sup>nd</sup> party prays that reference be answered in its favour.
4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether State Bank of India is Banking Industry?	In Affirmative
(ii) Whether Shri Ganpat is entitled for full wages as paid to permanent peon for the period from 8-4-93 to 2-12-2010?	In Negative
(iii) If not, what relief the workman is entitled to?”	As per final order

### REASONS

5. The terms of reference pertains to whether SBI is Banking Industry? There is absolutely no pleading in statement of claim or Written Statement that State Bank of India is an industry. Considering the 2<sup>nd</sup> party State Bank is engaged in Banking business, apparently it is covered as industry under Section 2(j) of ID Act. Therefore I record my finding in Point No.1.
6. **Point No. 2-** The term of reference also pertains to whether workman is entitled to full wages paid to permanent peon for the period 8-4-93 to 2-12-2010. Workman did not adduce oral evidence. Evidence of workman was closed on 15-9-2015. Exhibit W-1 is certified copies of affidavit of Nirmal Chandra Shukla in other proceeding. Exhibit W-2 is letter dated 23-5-12 showing working days of workman during the year 1993 to 2010. His working days were less than 240 days during each of the year. Exhibit W-3 is certified copy of affidavit of evidence of management’s witness in R/22/12.
7. Management’s witness Shri Narendra Kumar Mehta filed affidavit of his evidence. Management’s witness in his affidavit of evidence has reiterated that workman was not permanent employee of the Bank. He was engaged purely on temporary basis as per administrative exigency. That the benefits of bipartite settlement are not payable to temporary persons engaged on daily wages. The benefit of bipartite settlement are given to the permanent employees of the Bank. In his cross-examination, witness of the management says he was not posted in Manvar branch during 1993 to 2010. Management’s witness says he was not working in State Bank of Indore during 1993 to 2010. He was unable to tell how the payment was made. The wage policy is not produced in the case. He claims ignorance for how many hours,

workman was working in the Bank. During 1993 to 2010, bipartite settlement were entered every 5 years. Management's witness claims ignorance what were the pay scales of sub staff during the year 2000.

8. Ist party has not produced copy of 6<sup>th</sup> to 9<sup>th</sup> bipartite settlement, it is difficult to decide whether workman engaged on daily wages is entitled to benefit of pay scale wages under 8<sup>th</sup>, 9<sup>th</sup> bipartite settlement. For the reasons discussed above, I record my finding in Point No.2 in Negative.

9. In the result, award is passed as under:-

- (1) State Bank of India is covered as Industry under IDAct.
- (2) Ist party workman Shri Ganpat is not entitled to payment of full wages for the period from 8-4-93 to 2-12-2010.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 72.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक मर्ज स्टेट बैंक ऑफ इंदोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 104/12) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/35/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 72.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 104/12) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India (Erstwhile State Bank of Indore) and their workmen, received by the Central Government on 04.01.2017.

[No. L-12011/35/2012-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/104/12

General Secretary,  
Dainik Vetan Bhogi Bank Karmchari Sangathan,  
F-1, Tripti Vihar,  
Opp. Engineering College,  
Ujjain (MP)

...Workman/Union

#### Versus

Chief General Manager,  
State Bank of India (Erstwhile State Bank of Indore),  
LHO Hoshangabad Road,  
Bhopal

...Management

#### AWARD

Passed on this 11<sup>th</sup> day of November 2016

1. As per letter dated 27-9-12 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/35/2012-IR(B-I). The dispute under reference relates to:

“Whether Shri Ravindra Ganpat Rao Lamhate is workman within the provisions of ID Act? Whether his services have been terminated by the management of State Bank of India without following the provisions of law in an illegal manner? To what relief the workman is entitled?”



2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim. The case of Ist party is that he was orally engaged on daily wages by Assistant Branch Manager Hemant Ambisht from 13-5-08. He was paid Rs.100 per day. His wages were increased to Rs.35000 per month. He worked more than 240 days during each of the year till termination of his services on 30-11-2010. He was terminated without notice or pay in lieu of notice. He worked under Branch Manager M.P.Srivas, Trivedi, Ashok Khandelwal. Termination of his service without notice or paying retrenchment compensation is illegal. He claims to be employee covered under Section 25 B of ID Act. For above ground, he submits termination of his service is illegal and claims reinstatement with backwages.
3. 2<sup>nd</sup> party filed Written Statement on 25-8-14 opposing claim of Ist party. 2<sup>nd</sup> party submits State Bank of Indore is merged in State Bank of India on 28-7-2010. Ist party was engaged as casual labour in central processing centre of State Bank of Indore during 13-5-08 to 30-11-2010 for cleaning bank premises. His engagement was for exigency of work on daily wages on casual basis. Ist party was engaged for 1-2 hours in a week maximum 10-12 days in a month. Management was at liberty not to engage him on next day. Workman was not in continuous employment of the Bank. He is not permanent employee of the Bank. His attendance was not recorded. Workman was not continuously working for 240 days during any of the year. He is not entitled to protection of the provisions of ID Act.
4. 2<sup>nd</sup> party further submits that there are recruitment rules for selection of subordinate staff like messenger, peon, waterman. There are administrative instructions for recruitment of subordinate staff after selection by recruitment committee. Workman was not engaged after following selection process. He was engaged for cleaning work as per requirement on exigency of work. Ist party workman was not engaged as permanent peon. He did not worked for full time. He was also not working on Sunday and holidays. Branch Manager has no control on affairs of the workman. Ist party workman was engaged for work of regular peon in his absence. As Ist party not completed 240 days continuous service, he cannot claim protection of Section 25-F of ID Act. On such ground, 2<sup>nd</sup> party prays reference be answered in its favour.
5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether Shri Ravindra Ganpat Rao Lamhate is workman within the provisions of ID Act?	In Affirmative
(ii) Whether services of workman have been terminated by the management of State Bank of India without following the provisions of law in an illegal manner?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

6. Parties are in dispute whether Ist party is covered as workman as workman under section 2(s) of ID act. Ist party has not adduced oral evidence. Exhibit 21 to 26 are admitted by management are zerox copies of receipts of payments of wages for cleaning and supplying drinking water.

Section 2(S) of ID Act defines—"workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute."

From documents Exhibit W-1 to W-26, it is clear that workman was paid wages for cleaning, sweeping work as such manual work. Casual workers are not excluded from definition of section 2(s) of ID Act therefore Ist party workman is covered as workman under section 2(s) of ID Act. For above reasons, I record my finding in Point no.1 in Affirmative.

7. Point No.2- The legality of services of workman is referred for adjudication. Workman has not examined himself. 2<sup>nd</sup> party has admitted engagement of workman during 13-5-08 to 30-11-10 as per exigency. 2<sup>nd</sup> party contends that workman was engaged for 1-2 hours in a week maximum for 10-12 days in a month. Management's witness Pankaj Goel filed affidavit of his evidence supporting contentions in written statement filed by management. In his cross-examination, management's witness says during 2008 to 2010, he was not posted in central office, Indore. He received information about the matter from other officers. He claims ignorance about proceeding filed by workman before ALC pertaining to recovery of bonus. Management's witness denied documents pertaining to payment of bonus. In his

further cross examination, managements witness did not give any reply as to what procedure was followed before engaging workman or permission of Controlling Authority was obtained. He has not seen any register about working of Ist party. He had not seen payment vouchers. Workman was not paid retrenchment compensation. Whether notice was issued to workman witness of management claims ignorance. Presently work is carried through contractors. Documents admitted by management exhibit W-1 to W-26 shows payment of wages to ist party workman for the period 2-6-08 to November 2010. from those documents, it is clear that workman worked more than 240 days preceding 12 months of his termination. No evidence is adduced by management that workman was served with termination notice or retrenchment compensation was paid to him.

8. Learned counsel for 2<sup>nd</sup> party shri Vijay Tripathi relies on ratio held in case between-

Surendra Nagar District Panchayat versus Dahyabhai Amarsingh reported in 2005-8(SCC)-750. Their Lordship dealing with section 25-F, B, 2(oo) & (s) of ID Act held the facts must be proved by workman to claim protection of Section 25-F of the act. Facts that must be proved to claim relief from court are that (i) there exists relationship of employer and employee, (ii) he is a workman under Section 2(s), (iii) establishment in which he is employed is an industry within meaning of the Act and (iv) he has put in not less than one year of continuous service.

The documents exhibit W-1 to 26 clearly shows workman worked more than 240 days. As Ist party workman has established he worked more than 240 days preceding 12 months of his termination, he was not paid retrenchment compensation or served with termination notice, termination of services of Ist party workman is illegal for violation of section 25-F of ID Act. For above reasons, I record my finding in point No.2 in Negative.

9. Point No.3- In view of my finding in Point No.2 termination of services of workman is illegal, question remains for consideration whether workman is entitled for reinstatement with backwages. The evidence on record shows Ist party workman was engaged on daily wages on casual basis during the period 13-5-08 to 13-11-2010 for about 2 years and 6 months. Ist party workman was not engaged following recruitment process against vacant post. Therefore in my considered view, Ist party workman is not entitled for reinstatement with backwages. Considering short period, Ist party workman was working, compensation Rs.60,000 would be appropriate. Accordingly I record my finding in point No.3.

10. In the result, award is passed as under:-

- (1) Ist party workman is covered as workman under ID Act, termination of his services is illegal violating section 25-F of ID Act.
- (2) 2<sup>nd</sup> party is directed to pay compensation Rs.60,000 to the workman Shri Ravindra Ganpat Rao Lamhate

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 73.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 47/11) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/07/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 73.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/11) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.01.2017.

[No. L-12011/07/2011-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/47/11**

General Secretary,  
Dainik Vetan Bhogi Bank Karmchari Sangathan,  
F-1, Tripti Vihar,  
Opp. Engineering College,  
Ujjain (MP)

...Workman/Union

**Versus**

Chief General Manager,  
State Bank of India, Local Head Office,  
Hoshangabad Road,  
Bhopal (MP)

...Management

**AWARD**

Passed on this 15<sup>th</sup> day of November 2016

1. As per letter dated 7-6-11 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/07/2011-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of India, Bhopal in terminating the services of Shri Peerulal Malviya w.e.f. 14-10-08 without following the provisions of Industrial Dispute Act, 1947 is legal and justified? To what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through General Secretary, Daily Wage Employees Union. The case of workman is from 1-5-99, he was engaged as daily wage peon on monthly pay Rs.910/- by Branch Manager Shri R.L.Kachwaha at Saranpur branch. Monthly pay was increased to Rs.1000, he was paid additional amount Rs.15 for supplying drinking water, he was working 6 days in a week. Branch Manager was paying his salary. Branch Manager was reimbursed of the amount. That he worked more than 240 days during any of the calendar year. His services were terminated without notice on 14-10-08, he was not paid retrenchment compensation. He worked under various Branch Manager. He is covered as employee under Section 25 B of ID Act. His services were terminated in violation of Section 25-F of ID Act. Principles of last come, first go was not followed. Thereby 2<sup>nd</sup> party violated Section 25 G,N of ID Act. After termination of his service, other daily wage employees were engaged. He was not given opportunity of re-employment. Thereby 2<sup>nd</sup> party violated Section 25 H of ID Act. On such ground, workman prays for reinstatement with backwages.

3. 2<sup>nd</sup> party filed Written Statement opposing claim of workman. 2<sup>nd</sup> party reiterates that there is local Implementation Committee known as Welfare Committee of the staff members. Branch Manager is President of said committee. Union Representative is the Secretary. Local Implementation Committee runs canteen. The Bank provides subsidy for running canteen by the committee. Local Implementation Committee recruits canteen boy, Bank has no control in it. In May 99, workman was engaged as canteen boy by the Implementation Committee. He was not appointed by the Bank. Ist party workman was engaged intermittently for cleaning work in the Bank. He was paid Rs.35-40 per day. In 1997-98, workman worked for 27 days, in 1999-2000 he worked for 85 days, in 03-04 he worked for 6 days, in 2004-05 he worked for 16 days and in 2005-06 he worked for 15 days. Certain amount was paid to the workman for his working days. It is reiterated that workman was not paid monthly wages either Rs.910/- or Rs. 1000. Workman was not paid wages for supplying water or working as peon. Workman had not completed 240 days continuous service. Violation of Section 25-F,G,H,N of ID Act has been denied. 2<sup>nd</sup> party prays that reference be answered in its favour.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of India, Bhopal in terminating the services of Shri Peerulal Malviya w.e.f. 14-10-08 without following the provisions of Industrial Dispute Act, 1947 is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

**REASONS**

5. Point No.1- Ist party workman filed affidavit of his evidence supporting his contentions about working as daily wage peon in the Bank during the period 1-5-99 to 14-10-08. He claims to have continuously worked during each of the year. However he did not appeared for his cross examination, his evidence could not be considered.

6. Management filed affidavit of evidence of Shri Suresh Chandra Yadav supporting contentions of 2<sup>nd</sup> party management. From his evidence in cross, documents Exhibit W-1(1) & 1(2), W-2/1 to 2/5, W-3, W-4 to 8 are admitted in evidence. Management's witness in his cross says during 1998 to 2008, he was not posted at Saharanpur branch. He had not taken information from any Branch Manager working in said branch. The rules pertaining to appointments of canteen boy are not produced. Register about canteen boy is not produced. He claims ignorance what procedure was followed before engagement of workers, whether permission of Controlling Authority was taken. He claims ignorance whether workman was paid wages in name of Shri Gopal. Management's witness also claims ignorance whether retrenchment compensation, notice were paid to the workman. As stated above, workman has not appeared for his cross-examination. Documents produced by workman are admitted by management's witness. In Exhibit M-1 payments of wages and other expenses are recorded. Payment of wages in name of workman are dated 9-2-07- Rs.50/-, 21-2-07- Rs.50/-, 24-2-07- Rs.50/-. Entries of payment of Rs.33, 30 are seen on 17-3-07. Entry of payment of Rs.50/- on 28-3-07, Rs.20 on 12-4-07, 4 entries of Rs.50/- each dated 24-4-07, Rs.50 dated 28-4-07, 2 entries of payment of Rs.50/- dated 27-2-08, 3 entries of payment of Rs.50 and 25 entries of payment of Rs.45 and 3 entries of payment of Rs.50 in name of workman on 12<sup>th</sup> and 18<sup>th</sup> March 08. 4 entries of payment of Rs.45 on 5-3-08, one entry of Rs.15 dated 9-4-08, 1 entry of payment of Rs.50 on 21-6-08, 4 entries of payment of Rs.50 on 26-6-08. 3 entries of payment of Rs.50 dated 24-8-08 are seen. Document Exhibit W-1/1 to 1/2 shows 14 days working of workman during May to Sept.99. Exhibit W-2/ to 2/5 shows payment of Rs. 910, 320, 945, 910, 1000 in the year 97-99. Document W-3/1 to 3/10 shows various payment made to workman during the period August 03 to 18-4-05. Exhibit W-8 shows payment of bonus was approved by Assistant General Manager for the year 1997 till 2005-06, 2003 to 2005-06. The claim of workman is corroborated by documents. On other hand, evidence of management's witness has no personal knowledge. Considering the documents produced on record, it is clear that workman was continuously working more than 240 days. Documents produced on record doesnot show that workman was paid wages as canteen boy. Therefore evidence of management's witness that workman was engaged as canteen boy cannot be accepted. The evidence of management is also clear that he has no knowledge of payment of retrenchment compensation or termination notice issued to workman. Therefore termination of workman is illegal for violation of Section 25-F of ID Actg. Therefore I record my finding in Point No.1 in Negative.

7. Point No.2- In view of my finding in Point No.1 termination of Ist party workman is illegal, question remains for consideration whether workman is entitled for reinstatement with backwages. Ist party workman has not appeared for his cross examination. Therefore his evidence could not be accepted. There is no evidence that workman was unemployed. Workman was engaged on daily wages. Considering the period of working of workman, compensation Rs.75000 would be appropriate. Accordingly I record my finding in Point No.2.

8. In the result, award is passed as under:-

- (1) The action of the management of State Bank of India, Bhopal in terminating the services of Shri Peerulal Malviya w.e.f. 14-10-08 is illegal.
- (2) 2<sup>nd</sup> party is directed to pay compensation Rs.75000/- to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 74.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंदोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 71/06) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/37/2006-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 74.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/06) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of Indore and their workmen, received by the Central Government on 04.01.2017.

[No. L-12012/37/2006-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/71/06**

General Secretary,  
Prathadith Karamchari Kalyan Manch,  
9, Sanwer Road,  
Ujjain (MP)

...Workman/Union

**Versus**

Managing Director,  
State Bank of Indore, Head Office,  
Indore (MP)

...Management

**AWARD**Passed on this 17<sup>th</sup> day of November 2016

1. As per letter dated 27-10-2006 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/37/2006-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of Managing Director, State Bank of Indore, Indore in terminating the services of Shri D.K.Jain w.e.f. 8-2-03 is justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 3/1 to 3/6. Case of Ist party workman is that he was appointed as clerk in State Bank of Indore on 11-1-84 in physically handicapped category. His services are covered by the settlements and rules and regulations. That workman was issued chargesheet without any basis after 4 months of his suspension on 30-10-99 in violation of Para 19.1 of Bipartite Agreement dated 19-10-66. He was not given opportunity to submit reply to the chargesheet violating principles of natural justice. Without supplying any documents, enquiry was conducted exparte. Workman was dismissed from service as per order dated 8-2-03. Order was silent that appeal should be filed within 45 days. That appeal preferred by him was not decided within prescribed time. Workman has reiterated that enquiry was not properly conducted, principles of natural justice was not followed. Enquiry Officer Mr. Chourasia and Presenting Officer Shri Chouhan were interested in their TA Bills. Workman submits that on the basis of illegal enquiry, dismissal of his service is illegal. On such ground, he prays for his reinstatement with backwages.

3. 2<sup>nd</sup> party management filed Written Statement at Page 11/1 to 11/7 opposing claim of workman. 2<sup>nd</sup> party submits that State Bank of Indore was established under State Bank of India Act 1959 carrying banking business. The circulars and rules regulations by RBI are binding on it. The services of its clerical staff are covered by Bipartite Agreement dated 19-10-66. Ist party workman was appointed as clerk on 11-1-84. He was posted at Neemuch. Since beginning, his service record was not unblemished. While workman was posted at Bhanpura branch, he was involved in fraudulent acts misusing irrelevant vouchers withdrawing amount of Rs.50,000 from loan account of M/S Tongya Trading company. Chargesheet was issued to workman on 15-6-99. Ist party workman not given reply to the chargesheet, punishment of withholding two increments with non-cumulative effect was imposed. Workman was again chargesheeted on 25-2-2000 for fraudulent acts committed by him and withdrawing amount fraudulently from Accounts and deposits of the customers. Enquiry Officer G.S.Kayalwade and Presenting Officer Shri C.S.Chouhan were appointed. Enquiry was conducted on various dates. Workman deliberately not participated in enquiry on different grounds. The evidence of management's witness Ramesh Chand Kothari Branch Manager was recorded. The documents were produced. Enquiry Officer submitted report. Charge No.1,2,5,6(b,c,d,e), 7,8,9 were proved. Considering the report submitted by Enquiry Officer and statement of witnesses and documents, punishment of removal from service was imposed. The appeal preferred by workman was dismissed. Management reiterates that

enquiry was conducted following principles of natural justice. Ist party workman not shown in present despite he was shown leniency. Workman is not entitled for reinstatement. Management also prayed for permission to prove misconduct if enquiry is vitiated.

4. Ist party workman filed rejoinder at page 12/1 to 12/2 reiterating its contentions in statement of claim.
5. Enquiry conducted against workman is found legal as per order dated 27-9-13.
6. Considering findings on preliminary issue and pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the charges alleged against workman are proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of removal imposed against workman is proper and legal?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

7. As per order dated 27-9-63, enquiry conducted against workman is found legal. Chargesheet issued to workman is produced at page 13/11. Various charges are alleged. Charge No.1 pertains to Ist party workman taken entry of rs.1,14,238 instead of Rs.14238 in the ledger on 25-3-98. Charge No.2 pertains to taking entry of Rs.61,401/- instead of 1401, 45194.45 instead of 5194.40 in the ledger. Charge No.3 pertains to excess deposit of Rs.60,000, 40,000 in loan account while closing loan account. Fraudulent acts showing excess amount in name of Laxmi bai of Rs. 5748, 21242 in name of Mohanlal, 21737 in name of Raghunath singh, Rs.25082 in name of Harsh w/o Jain, 21191 in name of Onkarlal. Charge No.4 pertains to deposit of joint name of Smt.Laxmibai Ramchandra and Shri Mangilal Ramchandra Rs.33000 deposit receipt. Charge no.5 pertains to same deposit of Rs.33000. Loan was sanctioned. Charges No.6 a,b,c pertains to various amounts workman received after getting sanction of the loan of Rs.50,000. Charge No.7 pertains to workman withdrawing amount of Rs.23000 from account of Mohanlal Onkarlal. Charge no.8 a to f pertains to fraudulent acts and withdrawal of various amounts. Enquiry Officer held charge No.3,4, 6(a) not proved. Rest of the charges are proved against workman. It is unfortunate that management has not produced enquiry Proceedings and documents on record.

8. Learned counsel for 2<sup>nd</sup> party management Shri Shrotri submits that despite vigorous effort made, the original documents of Enquiry Proceedings are not traced. Learned counsel submits that while recording his findings, Enquiry Officer has discussed the evidence and documents dealing with each of the charges. In statement of claim filed by workman, no ground is raised that evidence considered by enquiry Officer was not existing and therefore while dealing with findings of each charge, evidence discussed by Enquiry officer is to be considered. My attention is also pointed out to reply to showcause notice given by workman at Page 13/47 to 13/53 Exhibit M-6. Workman had reiterated that he not received documents, enquiry was not conducted following principles of natural justice. Workman has offered explanation on the relevant aspects. He had finally submitted that he is physically handicapped employee, he ad old parents, wife and younger children and prayed for leniency. In Exhibit M-7, reply to show cause notice submitted by workman at Page 53 record of documents of enquiry, he had submitted that he may have committed certain mistakes. Out of financial difficulties, certain mistakes were committed by him were admitted in presence of the Senior persons. He assured of improvement in future. In both the reply filed by workman, he has not disputed the evidence of management's witness recorded during Enquiry Proceedings ad documents referred in statement of management's witness. I donot find reason to discard evidence considered by Enquiry Officer while submitting his report. As stated above, Enquiry Officer has recorded findings that charge No. 3,4,6(a) are not proved as such it was not a basis for imposing punishment of dismissal against workman. While dealing with Charge No.1 Enquiry Officer has discussed evidence of management's witness Kothari that workman had taken entry of Rs.,14,238 instead of Rs.14238 in general ledger- excess of Rs. One Lakh. CSE Shri D.K.Jain had given in writing that said entry was taken in his handwriting. Workman had intentionally taken said entry. That CSE had adjusted amount Rs. 100863 in account of his brother Ashok Jain on 6-12-99 in sundry account. While dealing with Charge No.2, enquiry Officer has considered evidence of management's witness Kothari, the entry pertaining to amount Rs.1401 was recorded 61401, entry of Rs.45194.40 recorded instead of Rs. 5194.40 at ledger page 324. Excess entry of Rs.40,000+ 60000 - Rs.1,00,000 was taken by CSE. While Enquiry Officer dealing with charge No.5 discussed evidence of management's witness Kothari, the entries dated 24-1-01 at Page 10,13,14,15, entries dated 1-3-01 at Page 21. Ist party workman in his handwriting shown Rs. 33000 loan against Laxmibai Ramchandra and Mangilal. Cheque No. 41386 dated 14-5-97 was issued. Amount of cheque was received by CSE signing on reverse side of cheque. While recording his findings, Enquiry Officer w.r.t.

charge under Section 6(b),(c),(d),(e) has also discussed the evidence and documents. Ist party workman had adjusted amount of Rs.One Lakh (60,000 + 40,000) while closing the account. Enquiry Officer has discussed evidence of management's witness and documents. Ist party workman had received amount deposited in Saving Account No. 1883/23. Workman had received amount and utilized for his personal use. Enquiry Officer has concluded that against Deposit No. STD/873302/75/97 dated 31-12-97 of Rs.50,000 documents of loan of Rs. 50,000 were prepared by CSE. Workman had withdrawn amount after signing for it.

9. While dealing with Charge No.7, Enquiry Officer has discussed evidence of management's witness Kothari. That on 17-8-98, amount of Rs.23000 was withdrawn from Saving Account No. 1883/23 by CSE. Signature of depositor was not tallying. The withdrawal form was written in handwriting of CSE Shri D.K.Jain. The signature on reverse side of withdrawal is of Shri D.K.Jain. the deposit slip MEX-14 was also signed by Shri D.K.Jain, CSE. All the entries were taken in writing of Shri D.K.Jain, CSE himself. The entry of deposit was not taken. The depositor was not informed.

10. While dealing with charge No.8, Enquiry Officer has considered evidence of management's witness Shri Kothari. That the withdrawal of Rs.30,496/- as per MEX-44 by customer Raghunath Singh Daulal Singh amount of Rs.10,000 was utilized by account holder. Remaining amount Rs. 20,496 was retained for adjustment of DH 19/96 by Shri D.K.Jain CSE. Out of Rs.30,496/-, only Rs.10,000 was paid to Account Holder Raghunath remaining amount Rs.20,496 was retained by cashier, CSE was not deposited . in Bank account, no entries were found ad vouchers were also not found.

11. The deposit account was closed after adjustment. While dealing with Charge No.9 a to f, Enquiry Officer has considered the evidence of management's witness Shri R.C.Kothari, Pramod Arbandekar, STD 922471/667/92 was found missing. The duplicate STD was issued by the Bank. Letter of reimbursement in name of Ashok Gokru duplicate was issued for reimbursement. Mrs. Harsh Jain, wife of Hukumchand was in acquaintance of CSE Jain. While dealing with charge No. 9(b) Enquiry Officer considered evidence of management's witness Kothari and various documents and concluded that loan of Rs.18000 as per MEX-51 was sanctioned to Mrs. Harsh Jain. Said amount was deposited in Saving account No. 1767 of Harsh Jain. The payment was to be made on maturity for Rs.35645, amount Rs. 27432 was deducted. Amount of Rs. 8213 was deposited in Saving Account No. 1767. Amount Rs.8000 was received by CSE Jain . Enquiry Officer had also discussed evidence that on 1-8-96, amount of Rs.25000 vide cheque No. 405793 was withdrawn by Shri D.K.Jain i.e. CSE. While dealing with charge No. d,e, Enquiry Officer had discussed that as per evidence of management's witness Kothari STDR 922471 /667 /92 payment was made on basis of duplicate STD on 1-2-96. On 24-4-97, payment was requested on original deposit receipt. On 25-4-97, as per cheque No. 4045784 amount of Rs. 11000 was received by Shri D.K.Jain. He had signed on reverse of cheque. Payment vouchers were not prepared. On the basis of forged receipt, amount Rs. 22000 were received by CSE. Shri D.K.Jain CSE signed on yellow voucher. While dealing with charge 9(f), Enquiry Officer dealing with evidence of management's witness Kothari and documents MEX-63,64, 67, STDR 640493/44/97- Rs.22000 loan Account was dishonestly closed. Demand loan No. 24/98 amount Rs.22000 was received under yellow voucher as per MEX-64 and account was closed on 13-9-99,the documents were written by shri D.K.Jain CSE. Evidence is in ledger sheet MEX-63. Amount Rs.26756 were got deposited while closing the account. Enquiry Officer held charge No.1,2,5,6(b,c,d,e), 7,8,9(a to f) proved. Ist party workman has not pleaded in statement of claim that findings of Enquiry Officer are not supported by evidence discussed by Enquiry Officer. It is not pleaded by Ist party workman that findings of Enquiry Officer are perverse.

12. In preset matter, fraudulent acts are committed w.r.t. saving deposit receipt, loan accounts. Several payments are made to the workman. However it appears that some elements in the Bank must be well wisher of the workman. It appears reason that Enquiry Proceedings and documents considered by Enquiry Officer are not produced. The findings of Enquiry Officer on Issue No. 1,2,5,6(b,c,d,e), 7,8,9(a to f) appears supported by evidence. Therefore for above reasons, I record my finding in Point No.1 that Charge No. 1,2,5,6(b,c,d,e), 7,8,9(a to f) are proved.

13. Point No.2- In view of my finding in Point No.1 question remains for consideration whether punishment of dismissal imposed against workman is proper and legal. The charges 1,2,5,6(b,c,d,e), 7,8,9(a to f) proved against workman are of serious nature of fraudulent acts proved against workman. Punishment of dismissal imposed against workman cannot be said shockingly disproportionate.

14. I may also refer to ratio relied by learned counsel for 2<sup>nd</sup> party Shri Ashish Shroti in case of

Regional Manager SBI versus Rakesh Kumar Tewari reported in 2006(1)SCC-530. Deals with Section 25-G,H, 11 of ID Act. Controversy in present case is not pertaining to Section 25-G,H of ID Act. Therefore ratio held in the case cannot be applied to case at hand.

In case between Usha Breco Mazdoor Sangh versus management of Usha Breco Ltd and another reported in 2008(5)SCC-554. Their Lordship dealing with discretion under Section 1-A of ID Act held that Labour Court concluding that domestic enquiry was conducted in accordance with principles of natural justice and findings in the

enquiry report were not perverse. Yet it interfering with the management decision and holding that no charge was established against workmen. Labour court's interference was not warranted.

In case between Managing Director, Balasaheb Desai Sahakari S.K.Ltd. versus Kashinath Ganapati Kambale reported in 2009(2)SCC-288. Their Lordship dealing with Section 11-A of ID Act held Labour Court exercising its jurisdiction is entitled to consider its jurisdiction whether punishment awarded is wholly disproportionate to the delinquent employee or not. Discretion vested in it must be exercised in a judicious manner. Labour court ordinarily should not interfere with the discretion exercised by the employer unless the same is found to be inconsistent with provisions of a statute of otherwise perverse or unjust.

In case between Uttar Pradesh State Road Transport corporation versus Nanhe Lal Kushwaha reported in 2009(8)SCC-772. Their Lordship dealing with Section -11-A of ID Act held Principles of law on the basis whereof the purported discretionary jurisdiction was sought to be exercised have not been stated. As respondent was appointed as a conductor, it is not the amount which would be material for determining quantum of punishment. The respondent charged for commission of similar misconducts on six occasions and misconduct found to be proved in respect of two charges even by Labour court. The judgment of Labour Court directing reinstatement with 75 % backwages was set aside.

In present case, considering the charges proved against workman as per the report of Enquiry Officer, workman doesnot deserve any relief. Accordingly I record my finding in Point No.2.

15. In the result, award is passed as under:-

- (1) The action of the management of Managing Director, State Bank of Indore, Indore in terminating the services of Shri D.K.Jain w.e.f. 8-2-03 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 75.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 14/12) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/99/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 75.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/12) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.01.2017.

[No. L-12012/99/2011-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/14/12**

Shri Ram Bharosa,  
S/o Shri Jhandulal Prajapati,  
R/o Kumhar Mohalla,  
Vill. Varsat, Tehsil Raghogarh,  
Distt. Guna (MP)

...Workman

**Versus**



Chief General Manager,  
State Bank of India,  
LHO, Hoshangabad Road,  
Bhopal. (MP)

...Management

### AWARD

Passed on this 24<sup>th</sup> day of October 2016

1. As per letter dated 3-1-12 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/99/2011-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of India, Bhopal in terminating the service of Shri Ram Bharosa w.e.f. 1-3-07 is legal and justified? To what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim on 6-12-12. The case of Ist party workman is that he was engaged as peon on contingency basis on 1-1-02. He was working whole day with devotion. He was paid for his working on contingency. He was continuously working his services were suddenly discontinued from 1-3-07 on the ground that his services were no more required. He had completed more than 240 days continuous service during each of the year. He has acquired status of regular employee. His services were terminated in violation of Section 25-F of ID Act as he was not served with notice, retrenchment compensation was not paid to him.

3. 2<sup>nd</sup> party further reiterates that termination of his services also amounts to unfair labour practice. After termination of his service, he had submitted representation of re-engagement. When representation was not considered by the management, instead of regularizing his services, termination of his service by management is illegal. On such ground, Ist party workman prays for his reinstatement with backwages.

4. 2<sup>nd</sup> party management filed Written Statement opposing claim of Ist party workman. 2<sup>nd</sup> party reiterates that Local Implementation Committee consisting Branch Manager, Union Representative looks after the canteen. Management has no control or supervision over the staff engaged by canteen. Bank has no authority to take any disciplinary action against the canteen boy engaged by said committee. It is submitted that workman was engaged by Welfare Committee as canteen boy in the year 2000 and Barsa branch District Guna. Lastly he was engaged in canteen till January 2007. Ist party workman is not employee of the Bank. Canteen used to make payment to Ist party from its own funds. There is no post of contingency peon in the Bank did not pay salary to Ist party he was never engaged by the Branch Manager. There was no question of removal of Ist party by Bank. 2<sup>nd</sup> party denied that no notice was issued to him. It is also denied that Ist party also completed 240 days service during each of the year. It is reiterated that Ist party is not entitled to any relief.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of India, Bhopal in terminating the service of Shri Ram Bharosa w.e.f. 1-3-07 is legal and justified?	Both parties not participated in reference proceeding, the reference could not be decided on merit.
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

### REASONS

6. The term of reference pertains to legality of termination of services of workman. After filing statement of claim, workman did not participate in reference proceeding. His evidence was closed on 12-2-16. Management also failed to adduce evidence. Evidence of management is closed on 21-10-16. As both parties failed to participate in reference proceeding, dispute under reference could not be decided on merit. Accordingly I record my finding in Point No.1.

7. In the result, award is passed as under:-

- (1) The action of the management of State Bank of India, Bhopal in terminating the service of Shri Ram Bharosa w.e.f. 1-3-07 is legal and justified?
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 76.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सतपुरा क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 110/07) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/38/2007-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 76.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/07) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Satpura Kshetriya Gramin Bank and their workmen, received by the Central Government on 04.01.2017.

[No. L-12012/38/2007-IR (B-I)]

B. S. BISHT, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/110/07

Shri Hira Lal Bishen,  
R/o Sitkuthela, Post Roshna,  
Teh & Distt Balaghat,  
Balaghat MP

...Workman

#### Versus

The Chairman/Adhyaksha,  
Satpura Kshetriya Gramin Bank,  
Distt. Chhindwara

...Management

### AWARD

Passed on this 5<sup>th</sup> day of October 2016

1. As per letter dated 25-9-07 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/38/2007-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of Satpura Kshetriya Gramin Bank, Chhindwara in terminating the services of Shri Hira Lal Bishan without disciplinary proceedings is legal and justified? If not, to what relief the concerned workman is entitled?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at Page 4/3 to 4/5. Case of Ist party workman is that as per circular dated 13-8-83, 2<sup>nd</sup> party was authorized to make appointment. As per said circular, he was appointed in the Bank. The appointment can be confirmed as per circular dated 11-2-86. As per circular dated 8-10-84, 7-5-87, 2 posts of sweeper were sanctioned for 2<sup>nd</sup> party Bank i.e. regular sweeper and (2) regular part time sweeper. Appointment letters were not issued as per directions issued by Government of India dated 22-2-91. The post of messenger was converted to joint designation Messenger cum sweeper. Government of India accepted award dated 22-2-91 by NIT providing that the employees completing more than 240 days were to be regularized. As per letter dated 10-4-92 issued by then Branch Manager, information about employees working more than 240 days was called. The information was submitted as per letter dated 24-4-92 confirming workman worked more than 240 days. Workman had submitted representations through Union claiming benefits of regularization. As per order dated 1-5-92, one employee was regularized in service.

3. As per notification issued by Government of India dated 1-6-06, erstwhile Banks Hohangabad Regional Gramin Bank, Chhindwara Seoni Kshetriya Gramin Bank, Shahdol Kshetriya Gramin Bank and Mandla Balaghat Kshetriya

Gramin Bank were merged in Satpura Kshetriya Gramin Bank. The services of daily wage employees were regularized. Ist party workman was working at Samnapur branch of Mandla Balaghat Rural Bank during the period 31-12-82 to 27-11-03. He was transferred to Bharveli branch, Distt. Balaghat on 1-9-95. His contribution 12 % of pay for PF was deducted from 1-4-99. Workman has reiterated that he worked more than 240 days is denied, regularization benefits by the Authorities. On such contentions, workman claims regularisation on the post of messenger with consequential benefits.

4. 2<sup>nd</sup> party filed Written Statement on 2-1-09 opposing claim of workman. Preliminary objection is raised by 2<sup>nd</sup> party that Ist party is not workman, they were never appointed by management. Workman was not sponsored through Employment Exchange. He had not undergone any selection process. The Board has not sanctioned any post. 2<sup>nd</sup> party has no authority to appoint according to the norms and rules. Master servant relationship doesnot exist between parties therefore reference is not tenable. 2<sup>nd</sup> party has denied workman was appointed vide order dated 13-8-83 was confirmed vide order dated 11-2-86,. 2<sup>nd</sup> party reiterates said post was not sanctioned. Ist party cannot be allowed back door entry. The appointment could be made only after following procedure and sanctioned post is available considering the merits. No appointment letter was issued to the Bank NIT award is matter of interpretation. It is denied workman had rendered more than 240 days service in any calendar year. Ist party workman was not member of Union. Union has no authority to file the proceeding on behalf of workman. 2<sup>nd</sup> party denies that Ist party workman had worked at Samnapur and Bharveli branch in Balaghat District during 31-12-87 to 27-11-03. The deduction of PF as per compliance of PF Act doesnot give right for regularization to any person. Ist party workman was not employee of 2<sup>nd</sup> party there was no question of his termination or reinstatement. On such ground, 2<sup>nd</sup> party prays claim of Ist party deserves to be rejected.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Satpura Kshetriya Gramin Bank, Chhindwara in terminating the services of Shri Hira Lal Bishan without disciplinary proceedings is legal and justified?	Ist party workman failed to establish his appointment or termination by 2 <sup>nd</sup> party.
(ii) If not, what relief the workman is entitled to?"	Ist party workman is not entitled to any relief.

### REASONS

6. The documents produced by Ist party are admitted by management are marked Exhibit W-1 to W-19. All of those documents are not w.r.t. appointment of Ist party workman or his working days in the Bank. Those documents pertains to circulars issued for regularizing services of part time farrash, part time messengers issued time and again Exhibit W-9 pertains to information relating to working of daily wage employees would be submitted by the Bank. Exhibit W-10 is letter issued by Chairman of the Bank regarding regularization of daily wage employees. Workman remained absent for his cross examination. His evidence is closed on 25-6-15. As workman has not appeared for his cross examination, his evidence cannot be considered.

7. Management filed affidavit of witness Shri Ravikant Saraf supporting contentions of management in Written Statement that workman was never appointed in the Bank. The evidence of management's witness remained unchallenged. I find no reason to disbelieve his evidence. There is no evidence to support claim of Ist party workman about his appointment, engagement or working in the Bank as part time employee/ messenger. Therefore I record my finding in Point No.1 that workman has failed to establish termination of his service is illegal.

8. In the result, award is passed as under:-

- (1) Workman failed to establish his engagement or illegal termination by 2<sup>nd</sup> party management.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 77.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 87/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/41/2002-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 77.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 87/02) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.01.2017.

[No. L-12012/41/2002-IR (B-I)]

B. S. BISHT, Section Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/87/02

Shri Jageswar Prasad, S/o Shri Hanuman Prasad,  
Vill Jatashankar, Behind Ram Mandir  
Damoh (MP)

...Workman

### Versus

Branch Manager,  
State Bank of India, City Branch,  
Damoh (MP).

Assistant General Manager,  
Region-2, State Bank of India,  
Divisional Office,  
Jayanderaganj,  
Gwalior (MP)

...Management

### AWARD

Passed on this 4<sup>th</sup> day of October 2016

1. As per letter dated 31-5-02 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/41/2002-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of India, Divisional Office, Region-2, Gwalior (MP) and city branch, Damoh in not regularizing instead terminating the services of Shri Jageswar Prasad S/o Shri Hanuman Prasad Srivastav w.e.f. 30-6-94 is legal and justified? If not, to what relief the workman concerned is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/3. Case of Ist party workman is that he entered in service of 2<sup>nd</sup> party on 15-4-89. He worked to the satisfaction of his superiors. On 30-9-96, his services were terminated without assigning reasons. Before terminating his services, no chargesheet was issued. Any enquiry was not conducted. That he had worked more than 240 days as peon. He had acquired status of permanent employee, his services could not be terminated without following statutory provisions his services were terminated in violation of principles of natural justice. The termination of his service is alleged to be unfair labour practice in colourable exercise of powers. Ist party further reiterates that he was appointed against vacant post of peon. Principles of first come last go was not followed while terminating his services. Provisions of ID Act were not complied. He was not given opportunity for his defence. His termination is illegal. On such contentions, he prays for his reinstatement with consequential benefits.

3. 2<sup>nd</sup> party filed Written Statement at Page 8/1 to 8/6 opposing claim of Ist party workman. 2<sup>nd</sup> party submits that Ist party workman was not appointed against vacant post of peon. He was engaged for filling water at Damoh branch of the bank. His engagement was temporary on contract basis. Workman was engaged only for 45 minutes in a day, he

was paid Rs.190 per month engagement of Ist party workman was contractual during the period 1-4-90 to August 94. His engagement was not against permanent vacancy. The contractual wages were paid to the workman, he could not be treated in employment in Bank service. That services of Ist party workman are not terminated in violation of provisions of ID Act. His engagement is covered under Section 2(o)(bb) of ID Act. Ist party workman is not entitled to compensation under Section 25-F of ID Act. He had not completed 240 days continuous service. 2<sup>nd</sup> party has reiterated that the workman was engaged only for 45 minutes in a day for filling water etc. workman was not appointed on any post. 2<sup>nd</sup> party further submits that there was no question of employing junior employees as alleged by Ist party. On such ground, 2<sup>nd</sup> party prays reference be answered in its favour.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of India, Divisional Office, Region-2, Gwalior (MP) and city branch, Damoh in not regularizing instead terminating the services of Shri Jageshwar Prasad S/o Shri Hanuman Prasad Srivastav w.e.f. 30-6-94 is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

### REASONS

5. The term of reference pertains to denial of regularization and legality of termination of services of Ist party workman.

6. 2<sup>nd</sup> party in para-2 of Written Statement admitted engagement of Ist party workman during the period 1-12-90 to August 94 workman has not adduced evidence. His evidence was closed on 22-12-2011. 2<sup>nd</sup> party has pleaded in its Written Statement that the workman was engaged for 45 months per day as casual labour, contractual wages Rs.190 per month were paid to him.

7. 2<sup>nd</sup> party filed affidavit of evidence of witness Shri Harihar Prasad Thapak supporting contentions in Written Statement. In Para-2 of the affidavit of management's witness, it is stated that engagement of workman was temporarily on contract basis. He was engaged only for 45 minutes per day. He was paid Rs.190 per month. Engagement of workman was purely contractual during the period 1-12-92 to August 94. His engagement could not be treated as employment in the Bank. That workman had not completed 240 days continuous working.

8. Management's witness in his cross examination says he was appointed in Bank in 1984. From September 2011, he was working at Damoh branch. He doesnot know workman he had not seen his record as the record was not available. In his further cross, management's witness says that he gathered information from peon and one officer Shri Shastri. Management's witness was unable to tell whether Mr. Sastri was in service or not. The peon given him information that he retired 10-12 years before. He gathered information in 2012. He had gone to the peon who met him in market therefore he had not gone to his house. He evidence of management's witness is not supported by any documents. His evidence is hearsay evidence. The concerned peon or Mr. Sastry are not examined. Witness of management has no personal knowledge neither the evidence is corroborated by documents therefore hearsay evidence of management's witness cannot be relied. The engagement of workman during period 1-12-90 to August 94 is admitted in para-2 of the Written Statement. The defence of 2<sup>nd</sup> party that workman was working only for 45 minutes is not supported by cogent evidence. The evidence of management's witness on the above point is worth reliance. When engagement of workman during the period 1990 to August 94 is admitted, the denial of management's witness that Ist party had not completed 240 days is inconsistent with pleadings in para 2 of the Written Statement. Therefore evidence of management's witness on above point cannot be relied.

9. Learned counsel for Ist party workman rely on ratio held in case between

R.M.Yellatti versus Assistant Executive Engineer reported in 2006(1)SCC-06. Their Lordship held in case involving daily wager, workman can only call upon. Their Lordship held onus to prove working 240 days continuous service lies on workman. Mere affidavit of self serving statement made by workman will not suffice.

In present case, evidence of working is admitted in Written Statement, therefore ratio held in the above case cannot be applied to present case. Ist party is terminated without notice, compensation is not paid to him, termination of workman is in violation of Section 25-F of ID Act and as such illegal. For above reasons, I record my finding in point No.1 in Negative.

10. Point No.2- Ist party workman has not adduced any evidence to support his claim. However in view of my finding in Point No. termination of services of workman is illegal, Ist party workman was paid Rs.190 per month. Ist party workman was not engaged following the recruitment process. In my considered view, considering nature of engagement of workman, claim for reinstatement with backwages cannot be allowed. Considering the period of working and nature of his employment, compensation Rs. 30,000 would be appropriate. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

- (1) The action of management of State Bank of India in not regularizing instead terminating the services of Shri Jageshwar Prasad S/o Shri Hanuman Prasad Srivastav w.e.f. 30-6-94 is not legal.
- (2) 2<sup>nd</sup> party is directed to pay compensation Rs.30,000 to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 78.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 48/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-41012/166/2002-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 78.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 04.01.2017.

[No. L-41012/166/2002-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

**NO. CGIT/LC/R/48/2003**

Shri Birendra Kumar,  
S/o Shri Narsingh Rao,  
C/o Shri Rakesh Naidu,  
Q.No.383/10,  
Panchara GCF Estate,  
Jabalpur (MP)

...Workman

#### Versus

Divisional Railway Manager,  
Central Railway,  
Bhusawal (Maharashtra)

...Management

#### AWARD

Passed on this 4<sup>th</sup> day of October 2016

1. As per letter dated 10-2-03 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-41012/166/2002-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of Divisional Railway Manager, Central Railway, Bhusawal (Maharashtra) in stopping the services of Shri Birendra Kumar, S/o Shri Narsingh Rao w.e.f. 2-12-92 is legal and justified? If not, to what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Workman Birendra Kumar died after the order of reference, permission was granted to his LRs the LRs have prosecuted the reference.
3. Statement of claim is filed by LRs of deceased workman at Page 9/1 to 93. Case of LRs of deceased workman is that deceased workman was working as Fitter under 2<sup>nd</sup> party DRM, Central Railway, Bhusawal. He was removed from service on 1-12-92. Assistant Mechanical Engineer, Central Railway, Bhusawal in appeal dated 30-1-01 submitted by deceased workman directed to submit appeal before DME, C.Rly Bhusawal. Deceased workman had accordingly submitted appeal to said authority on 19-4-01. Said appeal was rejected vide order dated 11-7-01.
4. It is further contented by the LRs of deceased that no chargesheet was served to the deceased. Any enquiry was not conducted in his presence giving him proper opportunity as per Article 311 of the constitution. The termination of deceased workman is illegal. It is also contented that deceased was unsound person and died of illness on 1-4-03. The LRs prays to quash the order of termination dated 2-12-92 of deceased workman. 2<sup>nd</sup> party filed Written Statement at Page 10/1 to 10/3 opposing claim of Ist party. Preliminary objection is raised that the dispute is raised belatedly. The delay is not explained. The reference is not tenable. That the deceased had worked as Helper/ Khalasi in 2<sup>nd</sup> party. His removal from service by Competent Authority was outcome of acts remaining unauthorisely absent from duty. Procedure was followed while conducting enquiry. On charges being proved, disciplinary authority imposed penalty of removal from service on 2-12-92. Deceased workman had to prefer appeal within 45 days from receipt of order as per rules. The appeal was filed by deceased workman on 3-1-01 to DRM, Central Railway, Bhusawal. That removal from service of deceased was consequent to his remaining absent from duty. Mercy appeal was belatedly filed after 8 years. Deceased workman was advised to prefer appeal before Competent Authority i.e. DME, Central Railway, Bhusawal. The appeal was not preferred after the order of removal was issued. Mercy appeal was directed against quantum of punishment only. Mercy appeal was filed after non-availability of enquiry it is reiterated that Ist party has tried to mislead the Court. The claim of Ist party doesnot deserve to be considered.
5. Workman filed rejoinder at Page 11/1 to 11/2 reiterating contentions in statement of claim.
6. As per order dated 13-4-12, enquiry conducted against deceased workman was found illegal. Management was allowed to prove misconduct.
7. Considering pleadings on record on findings on preliminary issue, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the 2 <sup>nd</sup> party management proves charges of unauthorized absence of deceased workman Birendra Kumar, S/o Narsingh Rao?	In Negative
(ii) Whether the punishment of removal imposed against workman is proper and legal?	In Negative
(ii) If not, what relief the workman is entitled to?”	As per final order.

### REASONS

8. As per order dated 13-4-12, my predecessor held enquiry conducted against deceased workman was not legal. Management was allowed to prove charges alleged against the deceased workman. Management filed affidavit of witness of Shri Rajesh Parvatikar. Witness of the management has stated that he is working at Central Railway Bhusawal. He filed affidavit on the basis of documents. That deceased was working as casual khalasi from 1982. Deceased was remaining absent without intimation till chargesheet was issued to him. Deceased had not given intimation about his absence since 1982 to 1992. In his cross-examination, management's witness says when deceased was engaged as khalasi in 1982, he was not posted at the place. When chargesheet was issued to deceased workman, he was not working in the said office. He admits that his affidavit of evidence is submitted as per record. He has no persona knowledge. He claims ignorance whether the appeal was dismissed on the ground of delay. He was not concerned with the Enquiry Proceedings. Evidence of management's witness is based on the documents. However any documents of enquiry or absence of deceased workman are not produced. Even the copy of chargesheet is not produced. It is surprise to say the charges of unauthorized absence alleged against workman are not proved. As charges alleged against deceased workman are not proved, punishment of removal imposed against workman cannot be

sustained. Punishment of dismissal therefore deserves to be quashed. For above reasons, I record my finding in Point No.2 in Negative.

9. Point No.3- Claim of Ist party is opposed on ground of delay. Appeal of Ist party was rejected and advised to file Mercy appeal. Vide order dated 24-3-01, claim of Ist party is not highly delayed. In view of my finding in Point No.1,2 workman Birendra Kumar died after order of reference was issued. His LRs have prosecuted in the reference. In view of death of workman, reinstatement could not be allowed. The deceased was removed from service on 2-12-92, he died on 1-4-03. The particulars about age of deceased are not available. As the order of removal from service could not be sustained, LRs of deceased workman deserves to be allowed reasonable compensation of Rs. 2 Lakhs instead of backwages. Accordingly I record my finding in Point No.2.

10. In the result, award is passed as under:-

- (1) The action action of the management of Divisional Railway Manager, Central Railway, Bhusawal (Maharashtra) in stopping the services of Shri Birendra Kumar, S/o Shri Narsingh Rao w.e.f. 2-12-92 is not legal.
- (2) 2<sup>nd</sup> party is directed to pay compensation Rs. 2 Lakhs to LRs of deceased workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 79.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 38/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-41012/130/2002-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 79.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/03) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 04.01.2017.

[No. L-41012/130/2002-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/38/03

Shri Ramesh Kumar Sahu,  
S/o Shri Harilal Sahu,  
Ex.Diesel Asstt.,  
CLP Pathak Ward,  
Katni, Kachiwada-I, Katni

...Workman

#### Versus

Divisional Railway Manager,  
Central Railway,  
Jabalpur

...Management



**AWARD**

Passed on this 20<sup>th</sup> day of October, 2016

1. As per letter dated 29-1-03 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-41012/130/2002-IR(B-I). The dispute under reference relates to:

“Whether the action of the DRM, Central Railway Jabalpur in terminating the services of Shri Ramesh Kumar Sahu, S/o Shri Harilal Sahu Ex Diesel Assistant w.e.f. 28-8-98 is legal and justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 5/1 to 5/3. Case of Ist party is in response to advertisement by management, he participated in examination for appointment as Apprentice Assistant Driver. After selection process, he was asked to report at office of DRM, Jabalpur vide order dated 9-9-96 as Trainee Apprentice, Diesel in Grade Rs.950-500. As per order dated 22-7-97, he was declared successful in practical as well as theoretical. He was posted against regular post of Diesel Assistant. On successful training, he was appointed as Diesel Assistant at Sagar MP. He further submits that at the time of recruitment and appointment, he had furnished all requisite information, certificates which were verified by the Railway authorities had no objection that in order of appointment, it was not mentioned that his services would be terminated if certificate furnished by him were found false. His services would be terminated without any enquiry that as per order dated 3-7-98, he was suspended without assigning reasons. Further orders were not communicated to him. He was orally informed that his services were terminated as certificates furnished by him were found false and order of his termination was forwarded by RPAD.

3. Ist party workman further contends that order of termination was not received by him from management. That order of termination doesnot existed. Termination of his service is arbitrary amounts to punishment violating principles of natural justice cannot be sustained. That he had rendered service more than 240 days. His termination amounts to retrenchment in violation of Section 25-F of ID Act. On such ground, Ist party workman prays for his reinstatement with backwages.

4. 2<sup>nd</sup> party filed Written Statement at Page 9/1 to 9/4 opposing claim of workman. 2<sup>nd</sup> party has not disputed workman has participated in selection process. Management submits that workman has not given two facts. Workman was recruited by Railway Recruitment rules Bhopal for post of Apprentice Diesel Assistant Grade 950-1500. Workman was directed for training to zonal training centre, Bhusawal w.e.f. 9-10-96. On completion of training, he was found suitable and posted as Diesel Assistant at NKJ, Jabalpur Division w.e.f. 22-7-97. Management denies that workman was posted at Sagar after completion of training. 2<sup>nd</sup> party reiterates that workman was terminated. Order of termination was served on him. It is denied that his services are terminated in violation of Section 25-F of ID Act. Workman was terminated as he had obtained employment in Railway in fraudulent manner producing fake certificate. At the time of recruitment, workman submitted fake certificate of ITI. On verification by Vigilance department, it was found that the certificate was fake. At the time of recruitment, workman was knowing the fact that if any certificate is found fake, his services could be terminated. Workman submitted declaration and furnished attestation form at the time of entering service. no enquiry was conducted by management against workman for the act, omission conducted by him. Management also sought permission to prove act, omission committed by workman by adducing evidence. Statement of claim submitted by workman is not as per rules.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the DRM, Central Railway Jabalpur in terminating the services of Shri Ramesh Kumar Sahu, S/o Shri Harilal Sahu Ex Diesel Assistant w.e.f. 28-8-98 is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

**REASONS**

6. The term of reference pertains to legality of termination of services of workman. As per order sheet dated 27-4-2010, management was permitted to prove misconduct adducing evidence. Management filed affidavit of evidence of Shri Anil Kumar. The evidence of management's witness is devoted on the point Ist party workman was selected by

Railway Recruitment Board, Bhopal. Workman was given training at Bhusawal for post of Diesel Assistant. Workman had produced certificate of HSc and ITI. M-1, M-2. The complaint was received to Railway Board that workman served employment on fake documents. Complaint was sent to the General Manager, Central Railway, Mumbai for enquiry. Railway Vigilance department had verified the documents through secondary school Board, MP. It was informed that workman had failed in Physics. Marksheet produced by workman shows he passed in 3<sup>rd</sup> Division. As per report received from secondary school Board, mark sheet produced by workman was forged. It is produced at M-3. Affidavit of management's witness further devoted on the point that ITI certificate verified through Principal, ITI, Mandira Thana as per letter dated 16-3-98 by Principal of ITI Mandira during 1986 to 1989, any student by name Ramesh Sahu had not received ITI training. Letter is produced as Annexure 8. In school transfer certificate of Ist party workman, his date of birth is shown 26-5-59. In marksheet of higher secondary submitted by workman, date of birth is recorded 7-7-63 produced at Exhibit M-5. In school transfer certificate M-6, date of birth is forged. Management's witness in his cross-examination says in 2009-0, he is working in Loco running Section, Jabalpur. At the time of his evidence, he was working as OS Personal Officer is higher officer working in Railway Board. He looks after administration action, attestation form used to be filled at the time of appointment. Column No.3 in attestation provides if the documents are found wrong, services can be terminated without enquiry. He was authorized by Personal Officer for giving evidence in the matter. Order in writing was issued in that regard. In 2009, he had seen the record of the case. He has given evidence on the basis of said record. Original documents were taken by vigilance team to Bombay. He had no opportunity to see the original documents. He had not seen the complaint on which basis the action as taken.

7. As stated above, workman had not entered in witness box. In evidence of management's witness, no suggestion is given that the documents submitted by workman were genuine. Management's witness is not cross-examined about the enquiry carried by vigilance and report received from secondary school Board, Principal, ITI about fake documents. Shri R.C.Shrivastava emphasized during argument that the documents in question are not proved as fake therefore termination of services of workman is illegal. When evidence of management's witness on material points is not challenged neither shattered. Therefore I donot find reason to disbelieve his evidence that the report received from School Secondary Board and Principal of ITI, the documents were forged. I am not convinced that the argument advanced by Shri R.C.Shrivastava. The evidence of management's witness is cogent and reliable that as documents submitted by workman, the copies produced on record were fake, the termination of services of workman is justified. For above reasons, I record my finding in Point No.1 in Affirmative.

8. In the result, award is passed as under:-

- (1) The action of the DRM, Central Railway Jabalpur in terminating the services of Shri Ramesh Kumar Sahu, S/o Shri Harilal Sahu Ex Diesel Assistant w.e.f. 28-8-98 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 80.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 170/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-41012/111/1998-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 80.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 170/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen, received by the Central Government on 04.01.2017.

[No. L-41012/111/1998-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/170/2003**

Shri Dilip Kumar,  
S/o Shri Narmada Prasad,  
B-8, Himansha Apartment,  
Civil Lines, Jabalpur (MP)

...Workman

**Versus**

Divisional Railway Manager,  
Central Railway,  
Jabalpur. (MP)

...Management

**AWARD**Passed on this 21<sup>st</sup> day of October, 2016

1. As per letter dated 21-10-03 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-41012/111/1998-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of Central Railway, Jabalpur in terminating the services of Shri Dilip Kumar w.e.f. 18-6-80 is justified? If not, what relief the applicant is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 3/1 to 3/3. Case of Ist party is he was appointed as casual labour on 21-6-1978. He worked till 17-6-1980. His services were terminated without giving proper opportunity, without issuing showcause notice. Workman further submits that after completion of 3 months continuous service, he acquired temporary status. Thereafter his services are covered by Discipline and Appeal Rules of Railway. As per those rule, his services could not be terminated without giving opportunity or issuing showcause notice. He raised dispute before ALC Jabalpur. After reference, he submitted representation dated 10-11-98, 15-3-99 before Hon'ble High Court. The dispute has been referred vide order dated 21-10-03. Ist party reiterates that 2<sup>nd</sup> party failed to regularize his services. His co-worker have been regularized. His services are terminated without notice, retrenchment compensation was not paid to him. On such ground, workman prays for his reinstatement with backwages.

3. 2<sup>nd</sup> party filed Written Statement opposing claim of workman. 2<sup>nd</sup> party raised objection that as per contentions in statement of claim, he was working till 8-6-80 in broken period and entry in his service card No. 213328. Application was filed after lapse of 28 years before Conciliation Officer. The dispute is raised after 17 years of his disengagement is not tenable. 2<sup>nd</sup> party has referred to ratio held in case of Nedungadi Bank Ltd versus K.P. Madhavan Kutti and others . that Ist party workman not worked for 240 days in any calendar year, he is not entitled to protection under provisions of ID Act. 2<sup>nd</sup> party reiterates that service conditions of persons engaged by Railway administration are covered by Railway Manual Chapter 20. The relevant provisions in Chapter 20 are reproduced- “Casual labour engaged on open line works who continue to do the same work for which they were engaged or other work of the same type for more than 120 days without a break will be treated as temporary on completion of 120 days of continuous employment.” 2<sup>nd</sup> party submits that claim made by workman is false and fabricated. He not worked as casual labour from 21-6-78 to 17-6-80. His name was not recorded in live register of SSE, SGO, STA and JBP. The casual service card No.213328 which is in possession of workman is fake as in the seal of inspector of works ( doubling) Central Railway and station SGO is not printed in the manuscript the statement of claim regarding his working is contradictory. The particulars of his working given by his Advocate on 26-2-07 in 2<sup>nd</sup>, 3<sup>rd</sup> para. It is mentioned he worked under IOW SGO. In such prospective it is mentioned that the applicant attached casual labour there is pasted seal IOW (Doubling) etc. in Annexure II submitted before ALC, Jabalpur workman has mentioned he worked during the period 21-6-78 to 18-6-1980 under IOW (Doubling) Jabalpur. The photocopy of casual card produced as Annexure A shows period 28-2-80 to 18-6-80 having seal of IOW STA (MP). From issuing of said casual card and upto the last working period, the same supervisor has put his signature on the seal of IOW SGO & STA. it is reiterated that casual card is fake.

4. That Railway has recruitment policy for appointment of regular employees. Such proceeding was not followed. That Railway had decided to offer opportunity to ex casual workers, advertisement published in Daily Bhaskar in March 2003. Workman had not submitted application. The dispute is raised after 17 years is not tenable. All adverse contentions of workman have been denied. 2<sup>nd</sup> party has referred o ratio held in various cases.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Central Railway, Jabalpur in terminating the services of Shri Dilip Kumar w.e.f. 18-6-80 is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

6. The term of reference pertains to legality of termination of services of workman. Workman filed affidavit of his evidence. He stated that he was in Railway service from 21-6-78 to 17-6-80. He had worked in broken period for 140 days. His services were terminated without giving opportunity or issuing showcause notice. In his cross-examination, Ist party workman says he has passed BA privately during service. when he joined service, he passed 1th standard. He used to sign in Hindi and English. He did not recollect whether papers related to service is to be signed in Hindi or English. His affidavit bears his signature. I joined service around 1978, he did not recollect the date or month. He was appointed by IOW Mr. Jaswani, he worked 6 months at Sagar, 4 months at Jabalpur, 5 months at satna. He denies that where Mr. Jaswani was working, he was working at those places. Workman says Mr. Bhatia was IOW at Satna. He admits that appointments are made at those 3 places. He worked at Jabalpur in 1979 but he was unable to tell the period, he was unable to tell period of working at Satna, he received casual card at Sagar. He denies that he worked for 140 days at all 3 places. He did not remember how many working days are written in affidavit. He submitted application in 1998-99 before ALC. Casual card signed by IOW was signed by Jaswani and other card is signed by Shri Bhatia. He denies suggestion that during 1978 to 1990, he was not engaged as casual labour in Railway. The casual cards referred in Written Statement filed by management and also referred in cross-examination of workman are not produced on record.

7. Management's witness Shri Ramsingh in his affidavit o evidence has stated that administration never engaged for intermittent short period. Labour of this kind is recruited from nearest available source, they are not liable to transfer. That the workman has submitted false claim is fabricated. His name was not recorded in live register or LTI register. That IOW, /SGO and IOW (Doubling) are different units. Those units have no relation with each other. Workman has not worked anywhere. In March 2003, advertisement was issued in daily Bhaskar. Workman had not submitted application at that time. Management witness in his cross says he don't know from which place casual card of workman was issued. He also claims ignorance about the working days and place of workman. In 1986, he was not posted at Sagar. He has not brought record of IOW. Personally he doesnot know workman. He had seen casual service card of workman, he was not posted at the place where casual card was issued.

8. In his affidavit of evidence, workman stated that he worked for 140 days. It is clear that workman had not worked for 24 days therefore workman is not entitled to protection of provisions of ID Act.

9. Learned counsel for 2<sup>nd</sup> party Shri A.K.Shashi argued that the dispute is raised after 23 years is not tenable. On the point of delay, reliance is placed on ratio held in case between—

Nedungadi Bank Ltd versus K.P.Madhavankutty and others reported in AIR-2000-I-LLJ-561. Their Lordship of Apex Court dealing with powers under Section 0 of ID Act held power to make reference to achieve above purpose cannot be exercised at any time say after delay of 7 years and there being no industrial dispute existing or apprehended.

Reliance is also placed in Indian Iron & Steel Co.ltd versus Prahlad Singh reported in 2001(1)SCC-424. Their Lordship dealing with Section 10 & 15 of ID Act- Latches and delay held ID raised after long 13 years of termination of service. no reasonable explanation given for such delay . in such circumstances held the Industrial Tribunal rightly refused to grant any relief.

In case between Chandrappagol A.G versus Assistant Executive Engineer, Ghataprabha Right Bank canal construction reported in 2004-II-LLJ-460 held Government to exercise power in deemed industrial disputes. Dispute can cease to exist on account of delay. Government can reject request for reference of dispute on this ground. Labour Court can also reject stale dispute/ claim.

In case between UP State Warehousing Corporation versus Presiding Officer reported in 2013-III-LLJ-213. Their Lordship dealing with burden of proof held person whofiles a claim is required to prove his case. Industrial Dispute raised by Union, burden of proof is upon union and its workers to prove their claim before Labour Court.

In present case, from pleadings and evidence on records, it is clear that workman was disengaged on 13-6-80, the dispute is raised n the year 2002 is highly belated and such stale claim could not be allowed. Besides above, the Ist party has failed to establish he worked 240 days. The casual card of workman referred in Written Statement and evidence is not produced on record. Therefore claim of workman that he is illegally terminated cannot be upheld. For above reasons, I record my finding in Point No.1 in Affirmative.

10. In the result, award is passed as under:-

- (1) The action of the management of Central Railway, Jabalpur in terminating the services of Shri Dilip Kumar w.e.f. 18-6-80 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 81.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 98/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/37/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 81.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 98/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 04.01.2017.

[No. L-12011/37/2011-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/98/2011

General Secretary,  
Dainik Vetan Bhogi Bank Karmchari Sangathan,  
F-1, Tripti Vihar, Opp. Engineering College,  
Ujjain (MP)

...Workman/Union

#### Versus

Chief General Manager,  
State Bank of India,  
Local Head Office,  
Hoshangabad Road,  
Bhopal

...Management

#### AWARD

Passed on this 28<sup>th</sup> day of September 2016

1. As per letter dated 20-10-2011 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/37/2011-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of India in terminating the services of Smt. Kranti Bai w.e.f. 4-8-2010 is legal and justified? To what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through General Secretary, Daily Wage Bank Employees Union. Case of workman is that she was engaged on daily wages as sweeper from 1-11-92 at wages Rs.10 per day. The wages were increased to Rs.15,25 per day. She was working six days in a week Monday to Saturday. She completed more than 240 days during each of the year. Her services were terminated on 3-8-2010 without notice or paying retrenchment compensation. That she had raised dispute. After failure report submitted by conciliation officer, the dispute has been referred. That she is covered as employee under Section 25B of ID Act. Her services are terminated in violation of Section 25-F of ID Act. Principles

of last come first go were not followed. Her termination is in violation of Section 25-G, N of ID Act. After her termination, 2<sup>nd</sup> party engaged other persons for work. She was not re-engaged. Thereby 2<sup>nd</sup> party violated Section 25-F of ID Act. On such ground, Ist party prays for reinstatement with backwages.

3. 2<sup>nd</sup> party filed Written Statement opposing claim of Ist party. 2<sup>nd</sup> party reiterates that Ist party workman was not appointed following recruitment rules at MLA Guest House branch. The work of sweeping and cleaning toilets is not taken from the peons working in the Bank. Ist party was engaged as casual employee for one or two hours in a day for cleaning sweeping work. The work of cleaning, sweeping work was carried before working hours of the Bank. Ist party workman is not covered as workman as she is employed as daily wage casual labour Ist party workman is not entitled to protection of ID Act. Ist party not completed 240 days continuous service during any of the year. Violation of Section 25-F,G,N of ID Act is denied. 2<sup>nd</sup> party submits that reference be answered in its favour.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of India in terminating the services of Smt. Kranti Bai w.e.f. 4-8-2010 is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

### REASONS

5. The term of reference pertains to legality of termination of services of workman. Documents Exhibit W-1 to 4 are admitted by management. Workman did not examined herself in support of her claim. Evidence of Ist party workman is closed on 8-1-2015.

6. Management filed affidavit of evidence of witness Shri Sanjay Gagde. Affidavit of management's witness is devoted that workman was not appointed as regular employee following recruitment rules. She was engaged for cleaning, sweeping work on daily wages. Ist party not completed 240 days continuous service. workman is not entitled to protection of ID Act. In his cross-examination, management's witness says he is officer of State Bank of India. He denies that there was no branch at State Bank of Indore at MLA rest house. He was not working in MLA branch during 1992 to 2010. He was unable to tell area of said branch or sanctioned opost of sub staff. Before engaging Ist party workman, any kind of recruitment process was not followed. Cleaning, sweeping work was carried in the branch every 2-4 days as per need. Ist party was not given appointment letter. He claims ignorance whether workman was issued retrenchment notice, compensation, bonus was paid to her. He claims ignorance about the documents produced by Ist party regarding payment of bonus.

7. As witness of management was not working in MLA Rest house branch of State Bank of Indore, witness of management has no personal knowledge, his evidence is devoid of reliance. Exhibit W-1 reply submitted by 2<sup>nd</sup> party in conciliation proceeding before ALC. The 2<sup>nd</sup> party has contented that workman was working one hour every day as casual worker. She was not appointed as peon. Ist party was paid wages for her working period. Document Exhibit W-2 shows that workman was directed to be paid bonus Rs.7280 for the year 1992-93, 2008-09. In Exhibit W-3, the calculation of bonus, working days of workman are shown more than 240 days in 1994-95, 95 to 99, 2001 -01 to 2003-04, 2005-06 to 2008-09. Exhibit W-4 is the cheque of bonus amount Rs.7280 paid to workman. From Exhibit W-3, it is clear that workman had worked more than 240 days during past service years. Management's witness has not produced documents to show Ist party workman was working only for one hour every day for cleaning, sweeping work. From document Exhibit W-3, it is proved that workman had completed more than 240 days continuous service. her services are terminated without notice or paying retrenchment compensation. Therefore termination of services of Ist party is illegal for violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Negative.

8. Point No.2- In view of my finding in Point No.1 services of workman are terminated in violation of Section 25-F of ID Act, Ist party workman has not examined herself neither management has adduced any evidence whether workman is in gainful employment after termination of her services. Considering Ist party was engaged on daily wages since 1992, her services were terminated in 2010. In my considered view, considering nature of employment on casual basis on daily wages, instead of regularization, compensation Rs. 1,50,000 would be appropriate to meet the ends of justice. Accordingly I record my finding in point No.2.

9. In the result, award is passed as under:-

- (1) The action of the management in terminating the services of Smt. Kranti Bai w.e.f. 4-8-2010 is not legal.
- (2) 2<sup>nd</sup> party is directed to pay compensation Rs.1,50,000 to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 4 जनवरी, 2017

**का.आ. 82.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार छत्तीसगढ़ ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 34/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/47/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 4th January, 2017

**S.O. 82.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Chhattisgarh Gramin Bank and their workmen, received by the Central Government on 04.01.2017.

[No. L-12011/47/2012-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

**NO. CGIT/LC/R/34/2013**

The President,  
Chhattisgarh Gramin Bank Employees Association,  
Raipur (CG)

...Workman/Union

#### Versus

The President,  
Chhattisgarh Gramin Bank, Head Office,  
15-recreation Road, Choubey Colony,  
Distt. Raipur (CG).

Regional Manager,  
Chhattisgarh Gramin Bank.  
Vyapar Vihar,  
Bilaspur

...Management

#### AWARD

Passed on this 30<sup>th</sup> day of November 2016

1. As per letter dated 31-1-2013 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/47/2012-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of (i) President, Chhattisgarh Gramin Bank, Head Office, 15, Recreation Road, Choubey Colony, Distt. Raipur (CG) and (ii) The Regional Manager, Chhattisgarh Gramin Bank, Vyapar Vihar, Bilaspur CG in terminating the services of Shri Gauri Shankar alias Birbal Bareth, Ex-Messenger-cum Daily Wages worker w.e.f. 13-4-2010 and not regularize his services as per the recommendation of Thorat Committee by the Bank was legal, proper and justified? If so, what relief the said workman is entitled to and from what date?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 1 to 5. Case of Ist party workman is that he was working on daily wages as sweeper/ peon from 1-2-00 to 13-11-2010. As per Bank rules of 2010, he had submitted application for regularization as messenger. Management had taken

wrong action terminating his services. He raised dispute before ALC, Bilaspur. Workman reiterates that he was working on daily wages at branch Janjgir, Chhattisgarh. He was doing work of supplying water, tea in the office, he was also working as Daftary. He was paid less wages. Sometimes wages were paid to him in cash and sometimes by voucher. The details of his working days are given in Para 6 of the statement of claim.

3. Ist party workman further submits he was doing work of recovery of amount, service of notice besides the work of cleaning, sweeping and supplying drinking water, tea etc. he was working from 9 AM to 10 PM. He was continuously working from 2000 to 2010. He was eligible for regularization of his services. Instead of regularizing his services, he was terminated illegally. On such ground, workman prays for his reinstatement with backwages.

4. Though 2<sup>nd</sup> party management has engaged Advocate but 2<sup>nd</sup> party has failed to file Written Statement. 2<sup>nd</sup> party is proceeded without Written Statement on 7-9-2016.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Chhattisgarh Gramin Bank in terminating the services of Shri Gauri Shankar alias Birbal Bareth, Ex-Messenger-cum Daily Wages worker w.e.f. 13-4-2010 and not regularize his services as per the recommendation of Thorat Committee by the Bank was legal and proper?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

### REASONS

6. The term of reference pertains to termination of service of Ist party and denying regularization in service. 2<sup>nd</sup> party has not filed Written Statement though workman has pleaded in statement of claim that he was working from 1-2-2010 to 13-4-2010 particulars of his working days are given in Para 6 of the Statement of claim. Since the year 2000 till 2010, workman had not worked for continuous 240 days during any of the year. The working days of Ist party are shown 50 in 2000, 2001, 2003, 2005, 2007, 2008, 2009, in the year 2002- his working days were 100, in 2006- for 171 days and in 2010 for 55 days. Affidavits of evidence filed by workman shows same number of his working days in para 6 of the affidavit. Workman has not completed 240 days continuous service during any of the year therefore termination of services of workman cannot be held in violation of Section 25-F of ID Act. Workman has not established continuous service of one year as provided under Section 25 B of ID Act. The claim of Ist party workman on regularization is based on recommendation of the Committee. Copy of Notification dated 13-7-2010 is produced by workman is received under RTI Act. Said notification provide rules for recruitment of officers and staff. The rules are silent w.r.t. regularization of daily wage casual employees. The rules provide for approved staffing pattern., the documents about payment wages are produced by workman. In view of working days shown in Para 6 of the statement of claim and affidavit of evidence, workman had not worked for more than 240 days during any of the year, the claim of workman for regularization also cannot be accepted. For reasons discussed above, termination of Ist party workman cannot be said illegal. For above reasons, I record my finding in Point No.1 in Affirmative.

7. In the result, award is passed as under:-

- (1) The action of the management of Chhattisgarh Gramin Bank in terminating the services of Shri Gauri Shankar alias Birbal Bareth, Ex-Messenger-cum Daily Wages worker w.e.f. 13-4-2010 and not regularize his services as per the recommendation of Thorat Committee by the Bank is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 83.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार साउथ इंडियन बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक



अधिकरण एवं श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या 22/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12025/01/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 83.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of The South Indian Bank Ltd. and their workmen, received by the Central Government on 06.01.2017.

[No. L-12025/01/2017-IR (B-I)]

B. S. BISHT, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

**Present:** Shri.K Sasidharan, B.Sc., LLB, Presiding Officer

(Monday the 31<sup>st</sup> day of October, 2016/09<sup>th</sup> Kartika, 1938)

#### ID 22/2015

Workman : Smt Ganamma. K. P,  
W/o Tomy,  
Karikkal Veedu, Puliyanloor P.O.,  
Puliyanloor Village,  
Meenachil Taluk – 636573.

(in Person)/(ex-parte)

Management : The Chief Manager,  
Legal Department,  
Head Office,  
The South Indian Bank Ltd.,  
Thrissur.

By Adv. Shri. Saji Varghese

This case coming up for final hearing on 31.10.2016 and this Tribunal-cum-Labour Court on the same day passed the following:

#### AWARD

This is an application filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947.

2. The contentions in the application filed by the workman in brief are as follows:-

The workman was employed as 1/5 part time sweeper in the management bank since the last 24 years. While she was working at Cherupunkal branch of the bank, some people who were having dealings with her husband filed a complaint against her before the bank officials. On the basis of that complaint, she was terminated from the service after disciplinary proceedings.

3. The workman paid the amount due to the persons against whom her husband had dealings. She informed the matter to the bank and requested to drop all the proceedings against her. In spite of which the bank proceeded against her and imposed the punishment of removal from service. In the course of conducting the disciplinary proceedings no opportunity was afforded to the workman to substantiate her contentions. There was denial of natural justice while conducting the disciplinary proceedings against the workman. Therefore the workman has requested to pass an award directing the management to withdraw the termination order and to reinstate her with all benefits thereof.

4. The management filed written statement denying the claim of the workman. They have stated that while working as 1/3<sup>rd</sup> part time sweeper in the Cherupunkal branch and the Regional Office, Kottayam the workman committed serious misconduct prejudicial to the interest of the bank. While working in Cherupunkal branch she collected a sum of ₹ 30,000/- from one Shri. Varkey; a sum of ₹ 30,000/- from Shri. Roy Paul; a sum of ₹ 30,000/- from Shri. Jacob. P;

a sum of ₹ 38,000/- from one Shri. Rejimon P.R and while working in the Regional Office of the management bank she collected amount from Shri. Babu. K. A. The act committed by the workman amounts to serious misconduct. Therefore the management proceeded against her, issued charge sheet against her and after affording sufficient opportunity, ordered domestic enquiry against her. The enquiry officer conducted the enquiry in accordance with the principles of natural justice and afforded fair and reasonable opportunity to the workman to substantiate her contentions. The contention of the workman that the management denied opportunity to her to substantiate her contentions, is false and incorrect. After the receipt of enquiry report; the management complied all the procedural requirements and thereafter issued the order of removal from service. According to the management the punishment imposed is in consonance with the gravity of misconduct committed by the workman. The management has stated that they have not violated the principles of natural justice nor denied opportunity to the workman to substantiate her contentions. They have requested to disallow the claim of the workman.

5. After filing written statement by the management opportunity was afforded to the parties to take steps and production of documents. Even though sufficient opportunity was afforded to the workman to prove her case; she remained absent continuously. Therefore she was called absent and set ex-parte. The management produced the enquiry file which is marked as Ext.M1 at the preliminary enquiry stage. As requested by the learned counsel for the management, the validity of the domestic enquiry was considered as the preliminary point. As per the Order dated 28.10.2016 it is held that the domestic enquiry conducted by the management is valid and proper. Thereafter the matter was posted for final hearing. The workman again remained absent at the stage of final hearing. Hence the counsel for management was heard.

6. The workman involved in this case preferred this industrial dispute under Section 2A(2) of the Industrial Disputes Act, 1947 challenging her termination from the services under the management. According to the workman she was working as a part-time sweeper in different branches of the management bank since the last 24 years. She has stated that some persons who were on inimical terms with her husband filed false complaint against her before the management. On the basis of which the management initiated disciplinary proceedings against her which culminated in her dismissal from the services of the management bank. According to the workman the financial transactions between her husband and the third parties were settled and she has nothing to do with those transactions. She has stated that the action of the management is unjust and illegal.

7. Even though the workman has stated that the management initiated proceedings against her without any just and reasonable cause and without affording fair and reasonable opportunity to her to substantiate her contentions, there is no evidence to prove the same. Ext.M1 file reveals that the management afforded sufficient and reasonable opportunity to the workman to substantiate her contentions. She was allowed to cross examine all the witnesses examined before the enquiry officer. In the course of enquiry the workman has filed a statement admitting the misconduct alleged. The workman cross examined MW2, MW3 and MW4. Regarding MWs 1 and 5 the workman has stated that she has nothing to cross examine. In spite of the fact that the workman admitted the misconduct before the enquiry officer, the enquiry officer proceeded with the enquiry in accordance with law and afforded reasonable opportunity to the workman to substantiate her contentions. The misconduct alleged against the workman is proved from the evidence tendered before the enquiry officer and that aspect is clear from Ext.M1 file. It follows that the workman is not entitled to any relief as claimed.

8. In the result an award is passed holding that the workman is not entitled to any relief as claimed in the application under Section 2A(2) of the Industrial Disputes Act, 1947.

The Award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 31<sup>st</sup> day of October, 2016.

K. SASIDHARAN, Presiding Officer

#### **APPENDIX**

**Witness for the Workman**

NIL

**Witness for the Management**

NIL

**Exhibit for the Workman**

NIL

**Exhibit for the Management**

M1 - Enquiry File.

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 84.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 10/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41011/82/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 84.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41011/82/2011-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 30<sup>th</sup> September, 2016

**Reference: (CGITA) No. 10/2012**

1. The General Manager,  
Western Railway,  
Churchgate,  
Mumbai
2. The Divisional Railway Manager,  
Western Railway,  
Rajkot

...First Party

**V/s**

The Divisional Secretary,  
Paschim Railway Karmachari Parishad,  
'Shiv Om', 2/9, Junction Plot,  
Rajkot (Gujarat) – 360001

...Second Party

For the First Party : None

For the Second Party : Shri R.S. Sisodiya

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/82/2011-IR(B-I) dated 03.01.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of the Western Railway, Mumbai & Divisional Officer, Rajkot in not declaring the officer bearers of the union, Paschim Railway Karmachari Parishad, Rajkot (Register Trade Union)

as protected workman violating the provision of the Industrial Disputes Act, 1947 read with Central Rules and transferring their office bearers, Shri Manish Viradia without following the norms of transfer is justified? To what relief the union is entitled?”

1. The reference dates back to 03.01.2012. Both the parties were served with a registered notice dated 26.03.2012. Neither of the parties responded to the notice by filing the statement of claim or written statement, as the case may be. However, the second party represented by The Divisional Secretary, Paschim Railway Karmachari Parishad Shri R.S. Sisodiya by way of his written response expressed unwillingness to prosecute the case.

2. Thus the reference is disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 85.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 37/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41011/13/2014-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 85.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41011/13/2014-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 23<sup>rd</sup> September, 2016

#### Reference: (CGITA) No. 37/2014

The Divisional Railway Manager,  
Western Railway,  
Near Chamunda Bridge, Asarwa,  
Ahmedabad (Gujarat)

...First Party

V/s

The Dy. General Secretary,  
Paschim Railway Karmachari Parishad,  
28/B, Narain Park, B/h Chandkheda Railway Station,  
Sabarmati,  
Ahmedabad (Gujarat)

...Second Party

For the First Party : None

For the Second Party : Shri R.S. Sisodiya

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/13/2014-IR(B-I) dated 25.03.2014 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Divisional Railway Manager, Western Railway, Ahmedabad in not fixing the pay of Shri Jagdish R. Sr. Khalasi correctly and not granting him promotion of Artisan Gr. III even after working on the post at par with his juniors is justified? To what relief the workman is entitled?”

1. The reference dates back to 25.03.2014. After service on both the parties, today on 23.09.2016, on behalf of the second party Shri R.S. Sisodiya, President, Paschim Railway Karmachari Parishad submitted that the union does not want to prosecute the case. Hence the reference decided as not pressed.
2. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 86.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ सौराष्ट्रा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 882/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/402/2001-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 86.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 882/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of Saurashtra and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/402/2001-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 19<sup>th</sup> September, 2016

**Reference: (CGITA) No. 882/2004**

1. The Dy. General Manager,  
State Bank of Saurashtra, Head Office,  
Neelambaugh,  
Bhavnagar (Gujarat) – 364001
2. The Branch Manager,  
State Bank of Saurashtra,  
Kumbharvada Branch,  
Bhavnagar (Gujarat) – 364001

...First Party

V/s

Smt. Dudhiben Saajanbhai Bhasker,  
C/o Yogeshbhai Joshi, 25, Municipal Shopping Centre,  
Crescent, Bhavnagar (Gujarat) – 364001

...Second Party

For the First Party : Shri B.M. Joshi

For the Second Party : None

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/402/2001-IR(B-I) dated 11.03.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of State Bank of Saurashtra, Kumbharvada Branch, Bhavnagar in discontinuing Smt. Dudhiben Sajanbhai Bhasker w.e.f. 04.11.2000 is justified? If not, what relief the concerned workman is entitled?”

1. The reference dates back to 11.03.2002. The second party submitted the statement of claim Ext. 3 on 19.05.2002 along with authority letter. First party submitted the vakalatpatra Ext. 6, Ext. 7 and Ext. 11 on 21.11.2008, 09.12.2009 and 01.03.2011 respectively. But unfortunately despite not filing written statement by the first party, second party has been absent since 22.12.2010 despite issuing notice to the second party on 30.12.2010 by this tribunal to all the parties including workman to appear on 01.03.2011. The first party State Bank of India submitted the vakalatpatra Ext. 11 on 01.03.2011 but second party did not bother to appear. Thus it appears that second party is not inclined to prosecute the case. However the advocate of the first party State Bank of India appeared on 26.12.2013 and 10.04.2014. Therefore, the tribunal has no option but to dispose of the reference in the absence of the parties.

2. Therefore, the reference is dismissed in non-prosecution of the case by the second party and the reference is decided in affirmative as being not contested by the second party by adducing evidence.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 87.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 04/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41011/116/2010-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 87.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41011/116/2010-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 30<sup>th</sup> September, 2016

**Reference: (CGITA) No. 04/2012**

1. The General Manager,  
Western Railway,  
Churchgate,  
Mumbai

2. The Divisional Railway Manager,  
Western Railway, Bhavnagar Para,  
Bhavnagar, Gujarat

...First Party

V/s

The President,  
Paschim Railway Karmachari Parishad,  
28-B, Narayan Park,  
Behind Chandkheda Railway Station,  
Sabarmati, Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri H.B. Shah

For the Second Party : Shri R.S. Sisodiya

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/116/2010-IR(B-I) dated 27.12.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of the Union, Paschim Railway Karmachari Parishad for stopping harassment of Shri Lalaram Mahor by SSE and allocation of work to him as per his post, is legal & justified? To what relief the Union/Workman is entitled?”

1. The reference dates back to 27.12.2011. Both the parties were served with a registered notice dated 26.03.2012. Neither of the parties responded to the notice by filing the statement of claim or written statement, as the case may be. However, the second party represented by The Divisional Secretary, Paschim Railway Karmachari Parishad Shri R.S. Sisodiya by way of his written response expressed unwillingness to prosecute the case.

2. Thus the reference is disposed of as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 88.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 14/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41011/14/2008-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 88.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41011/14/2008-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 22<sup>nd</sup> September, 2016

**Reference: (CGITA) No. 14/2008**

The Divisional Railway Manager,  
Western Railway,  
D.R.M. Office, Near Railway Station,  
Ahmedabad (Gujarat)

...First Party

V/s

The General Secretary,  
Western Railway Kamdar Sangh,  
78/9-C, National Highway,  
Gandhidham (Kutch)

...Second party

For the First Party : Shri N.J. Acharya

For the Second Party : None

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/14/2008-IR(B-I) dated 24.06.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the Divisional Railway Manager, Ajmer and the D.R.M., Ahmedabad in not sparing on transfer early and denial of right for appearing in the written test for the selection of Loco Inspector Grade to Sri Ranbir Singh, Loco Pilot under SSE(L), Gandhidham, is legal and justified? If not, what relief the workman concerned is entitled to?”

1. The reference dates back to 24.06.2008. Both the parties were served. First party submitted the vakalatpatra Ext. 3 and 4 of Shri Janak R. Pandya and Shri N.J. Acharya respectively. Shri O.P. Vasishtha on behalf of the second party moved an application Ext. 2 on 18.06.2009 seeking time to submit his statement of claim but since then the statement of claim has not been filed. Parties are also not responding since long. On 05.01.2016, last opportunity was given to the second party to submit his statement of claim but did not submit the statement of claim on 12.05.2016 and thereafter on today. Therefore, it appears that second party is not serious to prosecute the case.

2. Hence the reference is decided in affirmative and the action of the Divisional Railway Manager, Ajmer and the D.R.M., Ahmedabad in not sparing on transfer early and denial of right for appearing in the written test for the selection of Loco Inspector Grade to Sri Ranbir Singh, Loco Pilot under SSE(L), Gandhidham, is legal and justified.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 89.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 51/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41011/06/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी



New Delhi, the 6th January, 2017

**S.O. 89.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41011/06/2011-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 16<sup>th</sup> September, 2016

**Reference: (CGITA) No. 51/2011**

The Divisional Railway Manager,  
Western Railway,  
Pratapnagar, Baroda

...First Party

**V/s**

The President Secretary,  
Paschim Railway Karmachari Parishad,  
28/B, Narayan Park, Behind Chandkheda Railway Station,  
Sabarmati, Ahmedabad

...Second Party

For the First Party : Smt. Sonal Patel

For the Second Party : Shri R.S. Sisodia

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/06/2011-IR(B-I) dated 06.06.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of the Union, Paschim Railway Karmachari Parishad, Ahmedabad for reinstating and regularizing Shri Rameshbhai Chhaganbhai Solanki as Sweeper in the service of Railway from November, 2009 is legal and justified? To what relief the Union is entitled?”

1. The reference dates back to 06.06.2011. The President, Paschim Railway Karmachari Parishad, Shri R.S. Sisodia on behalf of the second party has submitted in written that he does not want to prosecute the case.
2. Thus the reference is decided as withdrawn and the action taken by the first party is legal and justified.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 90.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 543/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41012/176/2001-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 90.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 543/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41012/176/2001-IR (B-I)]

B. S. BISHT, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 22<sup>nd</sup> September, 2016

#### Reference: (CGITA) No. 543/2004

The Divisional Railway Manager,  
Western Railway, Baroda Division,  
Pratapnagar,  
Baroda (Gujarat) – 390004

...First Party

V/s

The General Secretary,  
Western Railway Kamdar Sangh,  
140, SFX – 140, Gurnagar,  
Gandhidham (Kutch) – 370201

...Second party

For the First Party : Shri D.R. Patel & Jatin J. Vakil

For the Second Party : Shri O.P. Vasistha

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/176/2001-IR(B-I) dated 26.04.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the demand of Western Railway KamdarSangh, Gandhidham for reinstatement of Smt. Dhanniben Rameshbhai, Casual Labour Safaiwala with full back wages from the date of removal i.e. 19.07.2000 in the Western Railway is justified? If yes, what relief the concerned employee is entitled?”

1. The reference dates back to 26.04.2002. The second party submitted the statement of claim Ext. 7 on 26.10.2004 and first party submitted the written statement Ext. 9 on 12.07.2005. Since then the second party has been absent and has also not been leading evidence. Thus it appears that the secondparty is not willing to prosecute the case.
2. Thus the reference is decided in negative and the demand of Western Railway KamdarSangh, Gandhidham for reinstatement of Smt. DhannibenRameshbhai, Casual Labour Safaiwala with full back wages from the date of removal i.e. 19.07.2000 in the Western Railway is not justified.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 91.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 542/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-41012/175/2001-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 91.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 542/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 06.01.2017.

[No. L-41012/175/2001-IR (B-I)]

B. S. BISHT, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 22<sup>nd</sup> September, 2016

#### Reference: (CGITA) No. 542/2004

The Divisional Railway Manager,  
Western Railway, Baroda Division,  
Pratapnagar,  
Baroda (Gujarat) – 390004

...First Party

V/s

The General Secretary,  
Western Railway Kamdar Sangh,  
140, SFX – 140, Gurnagar,  
Gandhidham (Kutch) – 370201

...Second party

For the First Party : Shri D.R. Patel & Jatin J. Vakil

For the Second Party : Shri O.P. Vasistha

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/175/2001-IR(B-I) dated 19.04.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the management of Divisional Railway Manager, Western Railway, Baroda Division in denying family pension to Shri Nilesh Amrutlal Vaghela son of Late Amrutlal Kesahvalal Vaghela, T.S. Safaiwala under SS ADI is justified? If not what relief the concerned workman is entitled?”

1. The reference dates back to 19.04.2002. The second party submitted the statement of claim Ext. 5 on 26.10.2004 but despite service the first party did not prefer to submit written statement. It is also noteworthy that both the parties have been absent since long but as the second party submitted the statement of claim, therefore, on 05.01.2016, the case was ordered to proceed ex parte against the first party and the date 12.05.2016 was fixed for ex parte evidence of the second party. But the second party did not appear on 22.05.2016; therefore, the case was fixed today on 22.09.2016. Again today on 22.09.2016, second party has not appeared which indicates that the second party is not willing to prosecute the case.

2. Hence the reference is decided in affirmative and the action of the management of Divisional Railway Manager, Western Railway, Baroda Division in denying family pension to Shri Nilesh Amrutlal Vaghela son of Late Amrutlal Kesahvalal Vaghela, T.S. Safaiwala under SS ADI is justified.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 92.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार साबरकांठा गांधीनगर ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 279/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/421/99-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 92.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 279/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Sabarkantha Gandhinagar Gramin Bank and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/421/99-IR (B-I)]

B. S. BISHT, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 22<sup>nd</sup> September, 2016

#### Reference: (CGITA) No. 279/2004

The Chairman,  
Sabarkantha Gandhinagar Gramin Bank, Himmatnagar,  
Distt. S.K. (Gujarat)

...First Party

V/s

The General Secretary,  
All Gujarat KamdarKarmachari Union, Ashapurinagar,  
Nr. Swastik Char Rasta, Bhilwada Rd., Amraiwadi,  
Ahmedabad (Gujarat) – 380026

...Second party

For the First Party : Shri C.S. Naidu Asso.

For the Second Party : Shri D.S. Gohil

#### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/421/99-IR(B-I) dated 17.02.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

#### SCHEDULE

“Whether the action of the management of Sabarkantha Gandhinagar Gramin Bank, Himmatnagar (Gujarat) in dismissing Shri D.S. Prajapati, Clerk-cum-Cashier Vadradi Branch from the service of the bank on the alleged

charges of misconduct vide charge sheet No. SGGB:HO:PER:1331:95-96 dated 31.08.1995 is legal and justified? If not then to what relief the concerned employee is entitled to?"

1. The reference dates back to 17.02.2000. The second party submitted the statement of claim Ext. 2 and alleged that the first party bank is Scheduled and Nationalised Bank of Government of India and is governed by the Industrial Disputes Act, 1947. The second party workman had been working as cashier cum clerk with honesty, devotion and diligence since last 8 years. On 29.07.1995, he submitted accounts papers to the Branch Manager which were found to be true and correct and matching with the cash roll which were verified by the Branch Manager but internal auditor submitted a report on 31.07.1995, finding a sought fall of Rs.8000/- in the chest/cash amount. The said audit report was misguiding and against facts because all the account sheets was verified and signed by the Branch Manager. The chairman of the bank later on 02.08.1995, forced him to sign a document with a admission that he purchase a T.V. worth Rs.7500/- and keeping remaining Rs.500/- in pocket. He was also forced to deposit Rs.3000/- on the next working day, Monday from the salary and remaining Rs.5000/- after borrowing. Later on 04.08.1995, he was put under suspension and charge sheet was served on 31.08.1995 levelling the charge of mis-appropriation of Rs. 8000/-, the aforesaid amount. Later he was subjected to departmental enquiry. During the course of enquiry on 22.05.1995, he clarified to the first party that one Patel Ratilal Jivabhai deposits Rs.7750/- in a saving bank account No. 143 which were credited by him in his account. Later the aforesaid Patel Ratilal Jivabhai came back and took his said cash amount back showing urgent need which he (second party workman) forgot to debit the said amount from his account due to heavy workload but said plea was turned down by the enquiry officer and was held guilty and the impugned order was passed. He has also alleged that enquiry was not properly conducted. His statement was not recorded.
2. The first party in his written statement Ext. 7 denied all the averments of the second party workman and submitted that the second party workman misappropriated the Rs.8000/- from the bank. He was put under suspension served with the proper charge sheet. Departmental enquiry was conducted. He was given opportunity of hearing. Charges were proved and second party workman failed to explain the defence.
3. The second party workman challenged the legality of the departmental enquiry. Both the parties lead evidence. After considering the evidence and arguments of both the parties, my predecessor Shri B.K. Sinha on 02.02.2012 vide order Ext. 25 gave a finding that the domestic enquiry held against the workman Deepak Shyamlal Prajapati was legal and proper. Said order was not challenged in any higher court. Thus the said order is final and the defence taken by the workman is immaterial.
4. Thus this tribunal has the duty to give finding on punishment.
5. In support of the arguments, the workman submitted the judgements passed in GSRTC V/s Vajabhai D. Parmar, 2001(1) GCD 37 Gujarat, GSRTC V/s KacharajiDhulajiParmar 2002(3) GLH 112 wherein the Gujarat High Court reduced the quantum of punishment to reinstatement with 75% back wages. He also referred Assistant General Manager, State Bank of India V/s Thomas Jose 2000(II) LLJ 191 wherein the apex court held that misappropriation of the funds in savings bank account cannot be lightly treated. It being a misappropriation of public money, therefore, the apex court ordered reinstatement without back wages and without increment for 10 years. He also referred Scooter India Limited V/s Labour Court, Lucknow AIR 1989 SC 149 wherein the apex court imposed the similar sentence explaining that the employee must be given the opportunity of reform.
6. In counter to aforesaid pronouncements, the first party referred U.P.S.R.T.C. V/s Mohanlal Gupta 2000(87) FLR wherein the apex court held that the question of award of any minor punishment in the facts of the matter under consideration does not and cannot arise and neither the Labour Court could alter the punishment of termination of service having regard to its assessment of facts and the contentions as regards the validity of the inquiry proceedings. The employee has been found to be guilty of misappropriation and in such an event if the appellant Corporation loses its confidence vis-à-vis the employees, it will be neither proper nor fair on the part of the Court to substitute the finding and confidence of the employer with that if its own in allowing reinstatement.

The misconduct stands proved and in such a situation, by reason of the gravity of the offence, the Labour Court cannot exercise its discretion and alter the punishment.

7. Similarly in U.P.S.R.T.C. V/s Pradeep Kumar 2016 LLR 897 SC, the apex court observed as under:

“(4). We have heard learned counsel for the appellant. She submitted that labour court was not justified in interfering with the punishment awarded as the misconduct alleged was of serious nature. What was alleged against the workman is that he had collected fare from 78 passengers and did not issue the tickets to them, which amounted to criminal breach of trust. Once such a misconduct was proved, reinstating the workman could not be justified. It was submitted that though the labour court may, in an appropriate case, interfere with the punishment awarded, but only when such punishment is not otherwise justified. Reliance is placed upon the judgment of this court in the case of U.P. State Road Transport Corporation, Dehradun V/s Suresh Pal, (2006) 8 SCC 108: (2006) 7 Supreme 408: 2006 LLR 1267 (SC) Relevant observations are:

“(7). Short question for our consideration in the present case is whether the punishment which has been modified by the learned Single Judge is justified or not? The learned Single Judge found that the punishment awarded in the present case is disproportionate to the guilt of the delinquent. So far as, the guilt of the petitioner is concerned, in the domestic enquiry it has been found that the petitioner is guilty of not issuing tickets to the twenty passengers and the same finding of the domestic enquiry has been upheld by the Labour Court and the High Court. The petitioner was a Conductor and holding the position of trust. If incumbent like the petitioner starts misappropriating the money by not issuing a ticket and pocketing the money thereby causing loss to the Corporation then this is a serious misconduct. It is unfortunate that the petitioner was appointed in 1988 and in the first year of service he started indulging in malpractice then what can be expected from him in the future. If this is the state of affairs in the first year of service and if such persons are allowed to let off to the light punishment then this will be a wrong signal to the other persons similarly situated. Therefore, in such cases the incumbent should be weeded out as fast as possible and same has been upheld by the Labour Court. We are firmly of the view that such instances should not be dealt with lightly so as to pollute the atmosphere in the Corporation and other co-workers.

(8). Normally, courts do not substitute the punishment unless they are shocking disproportionate if the punishment is interfered or substituted lightly in the punishment in exercise of their extraordinary jurisdiction then it will amount to abuse of the process of court. If such kind of misconduct is dealt with lightly and courts start substituting the lighter punishment in exercising the jurisdiction under Article 226 of the Constitution then it will give a wrong signal in the society. All the State Road Transport Corporations in the country have gone in red because of the misconduct of such kind of incumbents; therefore, it is the time that misconduct should be dealt with iron hands and not leniently.

(9). Learned counsel for the appellant invited our attention to a decision of this Court in the case of Regional Manager, U.P.S.R.T.C. V/s Hoti Lal, (2003) 3 SSC 605: 2003 LLR 344 (SC) wherein, this court has very categorically held that a mere statement that it is disproportionate would not suffice to substitute a lighter punishment. This court held as under:

“The court or tribunal while dealing with the quantum of punishment has to record reasons as to why it is felt that the punishment was not commensurate with the proved charges. The scope for interference is very limited and restricted to exceptional cases. In the impugned order of the High Court no reasons whatsoever have been indicated as to why the punishment was considered disproportionate. Failure to give reasons amounts to denial of justice. A mere statement that it is disproportionate would not suffice. It is not only the amount involved but the mental setup, the type of duty performed and similar relevant circumstances which go into the decision making process while considering whether the punishment is proportionate or disproportionate. If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, the highest degree of integrity and trustworthiness is a must and unexceptionable. Judged in that background, conclusions of the Division Bench of the High Court are not proper.”

In view of the above observations made by this Court there remains nothing more to be added.”

(5). We find merit in the submission of learned counsel for the appellant particularly in view of the law laid down by this court in the case of Suresh Pal(supra), which is clearly applicable to the case in hand.

(6). Accordingly, we allow this appeal, set aside the judgment and order passed by the High Court as well as the award of the labour court and restore the order of punishment.”

8. In the case in hand, the second party workman challenged the legality of the enquiry proceedings which was held by the tribunal legal and proper. He did not challenge the findings of the tribunal regarding enquiry, therefore, same is final. The tribunal has limited scope to go into the appropriateness of the punishment. The defence taken by the workman that he forgot to debit the amount restored back to customer appears to be unnatural, unbelievable and beyond truth. In the aforesaid judgements of the apex court, the punishment of dismissal is appropriate in the case of misappropriation of the funds/money. Thus I do not find any error apparent on the face of the record in awarding the punishment of dismissal. Thus the action of the management of Sabarkantha Gandhinagar Gramin Bank, Himmatnagar (Gujarat) in dismissing Shri D.S. Prajapati, Clerk-cum-Cashier Vadrad Branch from the service of the bank on the alleged charges of misconduct vide charge sheet No. SGGB:HO:PER:1331:95-96 dated 31.08.1995 is legal and justified.

9. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 93.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 72/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/78/2012-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 6th January, 2017

**S.O. 93.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 72/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/78/2012-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 21<sup>st</sup> September, 2016

**Reference: (CGITA) No. 72/2013**

The Asstt. General Manager,  
State Bank of India, Zonal Office,  
Admn. Office, Sharda Chambers, 7<sup>th</sup> Floor,  
386/2, Shankarseth Road,  
Pune – 411037

...First Party

V/s

Smt. Rekha Rajesh Jagtap,  
S. No. 311, Bhavani Peth,  
Kasewadi, Pune – 411042

...Second party

For the First Party : None

For the Second Party : None

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/78/2012-IR(B-I) dated 22.03.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of State Bank of India, Zonal Office, Pune in terminating the services of Smt. Rekha Rajesh Jagtap w.e.f. 16.01.2012 is legal and justified? If not, to what relief the workman is entitled?”

1. The reference dates back to 22.03.2013. Besides informing the parties by the Ministry of Labour vide aforesaid letter dated 22.03.2013, the tribunal also issued notice to all the parties but it is unfortunate that the notice issued to the second party on the address given in the reference returned as unserved being not living there. Thereafter a fresh notice Ext. 4 was issued to all the parties to appear on 11.05.2016. In response to the notice, the first party State Bank of India

vide letter Ext. 6 informed that the said reference has been transferred to CGIT No. 2 at Mumbai for adjudication. Same is pending there.

2. Thus the reference is disposed of in the light of the aforesaid letter Ext. 6.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 94.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनाइटेड इंडिया इंशोरेंस कंपनी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 1184/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-17012/18/2001-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 94.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1182/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of United India Insurance Co. Ltd. and their workmen, received by the Central Government on 06.01.2017.

[No. L-17012/18/2001-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

##### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 22<sup>nd</sup> December, 2016

##### Reference: (CGITA) No. 1182/2004

The Manager,  
United India Insurance Co. Ltd.,  
Opp. Haresh Talkies,  
Lohana Vidhyarthi Bhavan,  
Porbandar (Gujarat) – 360575

...First Party

V/s

Shri Chandreshbhai Laxmanbhai Bamanian,  
Bhadrakali Temple,  
Opp. Lohana Mahajan Wadi,  
Porbandar (Gujarat) - 360575

...Second Party

For the First Party :

For the Second Party :

#### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-17012/18/2001-IR(B-II) dated 31.10.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:



**SCHEDULE**

“Whether it is a fact that the disputant Shri Chandreshbhai Laxmanbhai Bamania was engaged as a temporary sub-staff by the management of united India Insurance Co. Ltd., Porbandar continuously during the period from 24.10.1983 to 13.08.1999? Whether the management is justified in terminating the service of the disputant on 13.08.1999? If not justified, what relief is the disputant concerned entitled to?”

1. The reference dates back to 31.10.2001. The second party submitted the statement of claim Ext. 5 on 05.09.2002 and the first party submitted the written statement Ext. 17 on 27.01.2005.
2. The second party workman submitted his affidavit Ext. 18 reiterating the averments made in the statement of claim. He was also cross-examined and stated that he worked for 16 years as sweeper in the first party office for Rs. 50/- per day as wages and he was deprived of his job on 13.08.1999 without giving retrenchment and enquiry. But he has not stated as to whether he ever worked for more than 240 days in any calendar year. He has also filed an experience certificate issued by C.L.Voora, officer of the first party which reveals that the second party workman was working as peon in the organisation but it is not clear as to when he was kept as peon in the office. First party has not contested the case by leading evidence. Therefore, it would be appropriate to order the payment of Rs. 10000/- as compensation to the second party workman.
3. The reference is disposed of accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 95.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 117/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/88/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 95.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 117/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 06.01.2017.

[No. L-12011/88/2008-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 1<sup>st</sup> December, 2016

**Reference: (CGITA) No. 117/2010**

The Assistant General Manager,  
Bank of Baroda, HRM Department,  
Regional Office, J & K Region,  
Manoj Chambers, Summer Club Road,  
Jamnagar (Gujarat) – 361005

...First Party

V/s

Shri Ajmera Vallabh Rajibhai,  
C/o I.C. Khan, Advocate, President,  
Maha Gujarat General Workers' Union,  
Hathikhana Road,  
Junagadh (Gujarat)

...Second Party

For the First Party : Shri V.K. Mashar

For the Second Party :

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/88/2008-IR(B-II) dated 05.02.2009 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the Regional Manager, Bank of Baroda, Jamnagar in not providing employment to Shri Vallabh Ravjibhai Ajamera, S/o Ravjibhai Ajamera, Ex-peon of Makhiyala Branch of the Bank after 12.01.2008 is legal and justified? What relief the workman concerned is entitled to?”

1. The reference dates back to 05.02.2009. The first party submitted the vakalatpatra Ext. 4 on 19.03.2009. Second party did not prefer to submit the statement of claim despite service on them. On receiving the reference in this tribunal, fresh notice was issued to the second party to appear on 14.03.2012 and again on issuing fresh notice to the second party to appear on 01.12.2016, the second party on both the occasions refrained to appear and to file statement of claim.
2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of the Regional Manager, Bank of Baroda, Jamnagar in not providing employment to Shri Vallabh Ravjibhai Ajamera, S/o Ravjibhai Ajamera, Ex-peon of Makhiyala Branch of the Bank after 12.01.2008 is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 96.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 1190/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/11/2002-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 96.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1190/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 06.01.2017.

[No. L-12011/11/2002-IR (B-II)]

RAVI KUMAR, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 20<sup>th</sup> December, 2016

**Reference: (CGITA) No. 1190/2004**

The Dy. General Manager,  
Syndicate Bank,  
SB, P.B. No. 4112,  
Neptune Towers, Opp. Nehru Bridge, Ashram Road,  
Ahmedabad (Gujarat) – 380009

...First Party

V/s

The Assistant Secretary,  
Gujarat Bank Workers Union,  
Rahbar, 8, Jagnath Plot,  
Rajkot (Gujarat) – 360001

...Second Party

For the First Party : Shri P.S. Chari

For the Second Party :

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/11/2002-IR(B-II) dated 22.04.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the Syndicate Bank, Ahmedabad not to consider the services of Smt. Paluben Mulubhai, Temporary part-time Sweeper as permanent part-time Sweeper is justified or legal? If not, what relief the workman is entitled for and since when?”

1. The reference dates back to 22.04.2002. The second party submitted the vakalatpatra Ext. 5 and statement of claim Ext. 6 on 29.09.2003. Since then the second party workman has been absent. On receiving the record from the Industrial Tribunal Rajkot, fresh notices were issued to both the parties on 24.12.2011 to appear for hearing on 13.04.2011. Consequent upon to the notice, the advocate for the first party P.S. Chari appeared on 09.09.2011 along with his vakalatpatra Ext. 12 on behalf of the first party Syndicate Bank. Thereafter he submitted the written statement Ext. 14 on 03.12.2013 but since then the second party did not prefer to appear for leading evidence.

2. Thus it appears that the second party is not willing to prosecute the reference. Thus the reference in the absence of the second party evidence is disposed of with the observation as under: “the action of the Syndicate Bank, Ahmedabad not to consider the services of Smt. Paluben Mulubhai, Temporary part-time Sweeper as permanent part-time Sweeper is justified and legal.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 97.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 788/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/43/2002-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 97.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 788/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workmen, received by the Central Government on 06.01.2017.

[No. L-12011/43/2002-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 22<sup>nd</sup> December, 2016

**Reference: (CGITA) No. 788/2004**

The Regional Manager,  
Union Bank of India,  
Regional Office, 1<sup>st</sup> Floor,  
Satsang Apartment,  
Kothi Char Rasta, Baroda

...First Party

**V/s**

The General Secretary,  
Akhil Gujarat General Mazdoor Sangh,  
2<sup>nd</sup> Floor, Arab Manzil, Opp. Ajit Mill,  
Patharkuva, Rakhi,  
Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri Sudhir J. Shah

For the Second Party : Shri K.H. Patil

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/43/2002-IR(B-II) dated 17.06.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of Assistant General Manager, Union Bank of India, Regional Office, Baroda in terminating the service of Shri Gulam Mohmad M. Malek, Arm Guard w.e.f. 01.03.2000 by treating him to have voluntarily abandoned the service is legal, proportionate to the fault and justified? If not, what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 17.06.2002. The second party submitted the statement of claim Ext. 3 on 04.03.2003 and the first party submitted the written statement Ext. 13 on 29.04.2004. On 20.12.2004, the second party workman was examined but later he did not appear for cross-examination, therefore, on 01.03.2012, fresh notices were issued to both the parties to appear and prosecute the case but despite service of the notice, neither of the parties appeared. Thus it appears that both the parties are not willing to prosecute the matter.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party with the observation as under: “the action of Assistant General Manager, Union Bank of India, Regional Office, Baroda in terminating the service of Shri Gulam Mohmad M. Malek, Arm Guard w.e.f. 01.03.2000 by treating him to have voluntarily abandoned the service is legal, proportionate to the fault and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 98.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोरपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 49/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/80/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 98.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Corporation Bank and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/80/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 21<sup>st</sup> November, 2016

**Reference: (CGITA) No. 49/2013**

The Chief Manager,  
Corporation Bank, Zonal Office,  
P.B. Box No. 4096, Navrangpura,  
Ahmedabad (Gujarat)

...First Party

**V/s**

Shri Sama Jafar,  
Plot No. 1,  
Seema Colony, Jesta Nagar,  
Bhuj- Kutch (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri M.C. Vora

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/80/2012-IR(B-II) dated 26.02.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Corporation Bank, Zonal Office, Ahmedabad, Gujarat in not giving the seniority on the basis of number of days worked to Shri Jafer Sama and not offering him regular employment in the bank is justified?

“Whether the action of Bank management in terminating the services of Shri Jafer Sama without following due process of law is justified? What relief the applicant is entitled to?”

1. The reference dates back to 26.02.2013. Despite filing vakalatpatra Ext. 4 by second party and vakalatpatra Ext. 3 by first party, the second party did not prefer to submit the statement of claim. Thus it appears that the second party workman is not willing to prosecute the reference. Therefore the reference is decided as the action of the management of Corporation Bank, Zonal Office, Ahmedabad, Gujarat in not giving the seniority on the basis of number of days worked to Shri Jafer Sama and not offering him regular employment in the bank is justified.

2. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 99.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 116/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-32011/8/2007-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 99.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 116/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 06.01.2017.

[No. L-32011/8/2007-IR (B-II)]

RAVI KUMAR, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 05<sup>th</sup> December, 2016

#### Reference: (CGITA) No. 116/2007

The Chairman,  
Kandla Port Trust,  
P.B. No. 50,  
Gandhidham, Kutch (Gujarat) – 370201

...First Party

V/s

The President,  
Kandla Port Karmachari Sangh,  
T.C.X. 94,  
Gandhidham, Kutch (Gujarat) – 370210

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party :

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-32011/8/2007-IR(B-II) dated 28.11.2007 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the management of Kandla Port Trust in changing the service conditions of Superintendents (A/cs.) and Divisional Accountants working in various Departments/Divisions as per Schedule of Board Staff without issuing the notice as required under Section 9 A of the I.D. Act, 1947 is legal and justified? If not, to what relief the workmen concerned are entitled?”

1. The reference dates back to 28.11.2007. The second party has not submitted the statement of claim. However second party submitted the vakalatpatra Ext. 5 on 26.03.2009 and first party submitted the vakalatpatra Ext. 7 on 18.06.2009 and Ext. 9 on sometimes in 2012. But neither of the parties despite submitting their vakalatpatra prefers to submit the statement of claim or written statement as the case may be. However on 13.07.2016, Shri S.N. Gandhi advocate for the second party moved an application for adjournment on ground of his illness, the adjournment was granted for 05.12.2016 as last opportunity for leading evidence. But today on 05.12.2016, second party in person as

well as Shri S.N. Gandhi advocate are absent to lead evidence. Thus it appears that the second party did not want to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party as under: “the action of the management of Kandla Port Trust in changing the service conditions of Superintendents (A/cs.) and Divisional Accountants working in various Departments/Divisions as per Schedule of Board Staff without issuing the notice as required under Section 9 A of the I.D. Act, 1947 is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 100.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 185/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-37011/12/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 100.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 185/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 06.01.2017.

[No. L-37011/12/2013-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

#### Reference: (CGITA) No. 185/2013

The Chairman,  
Kandla Port Trust,  
Administrative Office, P.B. No. 50,  
Gandhidham,  
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,  
Transport & Dock Workers Union,  
21, Yogesh Building, Plot No. 586, 12-C,  
Gandhidham,  
Kutch (Gujarat) – 370201

...Second Party

For the First Party :

For the Second Party :

#### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/12/2013-IR(B-II) dated 18.10.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of KPT management in denying the rightful promotion to Shri Chandan Singh, Asstt. Hydrographic Surveyor to the post of Hydrographic Surveyor is legal and justified? What relief Sh.Chandan Singh, Asstt. Hydrographic Surveyor is entitled to?”

1. The reference dates back to 18.10.2013. The second party did not submit the statement of claim despite service even after a lapse of 3 years.
2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of KPT management in denying the rightful promotion to Shri Chandan Singh, Asstt. Hydrographic Surveyor to the post of Hydrographic Surveyor is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 101.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 1433/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-37011/5/2004-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 101.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1433/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 06.01.2017.

[No. L-37011/5/2004-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 5<sup>th</sup> December, 2016

**Reference: (CGITA) No. 1433/2004**

The Chairman,  
Kandla Port Trust,  
Administrative Office, P.B. No. 50,  
Gandhidham (Gujarat) – 370201

...First Party

V/s

The President,  
Kandla Port KarmachariSangh,  
T.C.X. 94,  
Gandhidham (Gujarat) – 370210

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri S.N. Gandhi



**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/5/2004-IR(B-II) dated 18.08.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Kandla Port Trust in not regularising the workers shown in Annexure 1, who have claimed to have worked continuously for more than 240 days in several years is legal and justified? If not, what relief the workmen concerned are entitled to?”

1. The reference dates back to 18.08.2004. The second party submitted the statement of claim Ext. 4 on 09.08.2005 along with documents vide list Annexure 1. The first party submitted the written statement Ext. 11 and vakalatpatra Ext. 12 on 03.08.2012 and 24.09.2013 respectively. Since then the second party has been absent and has not been leading evidence. On 13.07.2016, Shri S.N. Gandhi advocate for the second party moved an application for adjournment on ground of his illness, however the adjournment was granted for 05.12.2016 for leading evidence. But today on 05.12.2016, second party in person as well as Shri S.N. Gandhi advocate are absent to lead evidence. Thus it appears that the second party did not want to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party as under: “the action of the management of Kandla Port Trust in not regularising the workers shown in Annexure 1, who have claimed to have worked continuously for more than 240 days in several years is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 102.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला डोक लेबर बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 109/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-37011/4/2007-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 102.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 109/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Dock Labour Board and their workmen, received by the Central Government on 06.01.2017.

[No. L-37011/4/2007-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 5<sup>th</sup> December, 2016

**Reference: (CGITA) No. 109/2010**

The Deputy Chairman,  
Kandla Dock Labour Board,  
Administrative Office, New Kandla,  
Kutch (Gujarat)

...First Party

V/s

The President,  
Kandla Port Karmachari Sangh,  
T.C.X. 94,  
Gandhidham (Gujarat) – 370210

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri S.N. Gandhi

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/4/2007-IR (B-II) dated 20.02.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Kandla Stevedores Association Limited and Kandla Dock Labour Board in terminating the services of Shri Rajesh N. Mehta, Jiv Raj M Maheshwari and Rameshy M. Badaru, Booking Clerks with effect from 14.08.2006 and not granting them the benefit of equal pay for equal work and not absorbing them along with the 240 NOC workers of Kandla Dock Labour Board, is legal and justified? If not what relief the workmen concerned are entitled to?”

1. The reference dates back to 20.02.2008. The second party submitted the statement of claim on 06.02.2012 after a lapse of more than 4 years along with number of documents vide list Ext. 8. The first party submitted the written statement Ext. 11 on 13.07.2016 but the second party has been absent since last dozens of dates that is after filing the statement of claim on 06.02.2012.
2. However, Shri S.N. Gandhi, advocate for the second party sought adjournment on 13.07.2016 on the ground of his illness but he has not filed his vakalatpatra so far in this case. Even then, adjournment was granted on 13.07.2016 but today on 05.12.2016, second party in person as well as Shri S.N. Gandhi advocate are absent to lead evidence. Thus it appears that the second party did not want to prosecute the case.
3. Therefore, the reference is disposed of in the absence of the evidence of the second party as under: “the action of the management of Kandla Stevedores Association Limited and Kandla Dock Labour Board in terminating the services of Shri Rajesh N. Mehta, Jiv Raj M Maheshwari and Rameshy M. Badaru, Booking Clerks with effect from 14.08.2006 and not granting them the benefit of equal pay for equal work and not absorbing them along with the 240 NOC workers of Kandla Dock Labour Board, is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 103.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 30/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-37011/8/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 103.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 06.01.2017.

[No. L-37011/8/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 5<sup>th</sup> December, 2016

**Reference: (CGITA) No. 30/2013**

The Secretary,  
Kandla Port Trust, Administrative Office,  
Post Box No. 50, Gandhidham,  
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,  
Transport & Dock Workers Union,  
21, Yogesh Building, Plot No. 586,  
12-C, Gandhidham (Kutch) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri. N.H. Rathod

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/8/2012-IR(B-II) dated 01.02.2013 referred the dispute for adjudication to the Industrial tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

"Whether the action of the management of Kandla Port Trust in not granting 2nd financial upgradation under ACP Scheme to Shri Haneef Qureshi, Messenger w.e.f. 03.12.2004 alongwith other benefits on the basis of said ACP Scheme is justified? What relief the workman, Shri Haneef Qureshi is entitled to?"

1. The reference dates back to 01.02.2013. Both the parties namely first party Kandla Port Trust, Gandhidham and second party The General Secretary, Transport & Dock Workers Union, Kandla have moved a joint application Exh- 6 stating that the workman has already superannuated w.e.f. 31.03.2015. On attaining the age of superannuation and have been paid all terminal dues. The workman is also drawing his monthly pension regularly on and from April, 2015 onwards. The second party workman, upon being fully satisfied with the demand under the schedule, does not want to pursue the matter. Therefore, the reference in the light of the aforesaid mutually agreed terms and conditions is decided/disposed of finally.
2. Thus the reference is dismissed as withdrawn by both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 104.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोरपोरेशन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 427/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/17/1999-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 104.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 427/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Corporation Bank and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/17/1999-IR (B-II)]

RAVI KUMAR, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 01<sup>st</sup> December, 2016

#### Reference: (CGITA) No. 427/2004

The Assistant General Manager,  
Corporation Bank, Regional Office,  
Near Navrangpura Post Office,  
Post Bag No. 4106,  
Ahmedabad (Gujarat) – 380009

...First Party

V/s

Shri Ramdev Adesingh Chudasma,  
C/o Sh. B.B. Thesia,  
21, Kabir Chamber,  
Nikol Road,  
Bapu Nagar,  
Ahmedabad (Gujarat) – 380024

...Second Party

For the First Party : Shri M.K. Patel

For the Second Party : Shri M.K. Dalal and A.J. Bhatt

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/17/99-IR(B-II) dated 02.11.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the management of Corporation Bank is justified in allowing Senior Executive i.e. Shri B.R. Bhatt, Assistant General Manager of Gujarat Region to appoint Sh. Ramdev Adesing Chudasma as driver in personal capacity on the vehicle owned by Corporation Bank and further termination of service of Sh. Ramdev Adesing Chudasma without assigning any reason w.e.f. 05.08.1997? If not, what relief the employee concerned is entitled to?”

1. The reference dates back to 02.11.2001. The second party submitted the statement of claim Ext. 6 on 07.04.2003 and the first party submitted the written statement Ext. 8 on 22.12.2003. Since then the second party did not prefer to lead evidence despite the fact that the reference was 15 years old.

2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of the management of Corporation Bank is justified in allowing Senior Executive i.e. Shri B.R. Bhatt, Assistant General Manager of Gujarat Region to appoint Sh. Ramdev Adesing Chudasma as driver in personal capacity on the vehicle owned by Corporation Bank and further termination of service of Sh. Ramdev Adesing Chudasma without assigning any reason w.e.f. 05.08.1997.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 105.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 81/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/128/1997-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 105.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 81/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/128/1997-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 5<sup>th</sup> December, 2016

**Reference: (CGITA) No. 81/2004**

The Regional Manager,  
Bank of Baroda, Gujarat Region,  
Bank of India Building, Ellora Park, Subhanpura,  
Vadodara (Gujarat) – 390007

...First Party

**V/s**

Shri R.V. Vyas,  
10-A, Kukum Nagar Society,  
Mill Road,  
Nadiad (Gujarat) – 387001

...Second Party

For the First Party : D.C. Gandhi Associates

For the Second Party : Shri Narendra Patel

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/128/97-IR(B-II) dated 14.05.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Bank of India, Mobile Branch, Nadiad Branch (Gujarat) in dismissing Shri R.V. Vyas, Cashier on the charges of misconduct vide charge sheet no. ROVR/PERS/136 dated 21.12.1993 is legal and justified? If not, to what relief the concerned workman is entitled?”

1. The reference dates back to 14.05.1998. The second party submitted the statement of claim Ext. 5 01.04.1999. The first party submitted the written statement Ext. 7 on 23.09.1999. Since then second party has been absent and failed to lead his evidence. Thus, it appears the second party did not want to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party as under – “the action of the management of Bank of India, Mobile Branch, Nadiad Branch (Gujarat) in dismissing Shri R.V. Vyas, Cashier on the charges of misconduct vide charge sheet No. ROVR/PERS/136 dated 21.12.1993 is legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 106.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 10/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12012/175/2004-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 106.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/175/2004-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

#### Reference: (CGITA) No. 10/2005

The Regional Manager,  
Bank of Baroda,  
Regional Office, Suraj Plaza – III, 5<sup>th</sup> Floor,  
Sayajiganj, Maganwadi,  
Baroda (Gujarat) – 390005

...First Party

V/s

Shri Kalidas Somabhai Solanki,  
Mangleshwar Zampa,  
Fetehpura,  
Baroda (Gujarat) – 390001

...Second Party

For the First Party : Shri Mahesh K. Thakkar

For the Second Party : Shri M.S. Mansuri

#### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/175/2004-IR(B-II) dated 09.11.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Bank of Baroda, Vadodara through the Assistant General Manager in terminating the services of Shri Kalidas Somabhai Solanki by way of ‘dismissal’ without notice vide punishment order dated 30.09.2003 is legal, proper and justified? If not, what relief the concerned workman Shri Kalidas Somabhai Solanki is entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 09.11.2004. The second party submitted the statement of claim Ext. 3 on 31.09.2005. First party submitted the written statement Ext. 10 on 03.12.2009. Since then the second party has been absent on most of the dates and has also not preferred to lead evidence.
2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of the management of Bank of Baroda, Vadodara through the Assistant General Manager in terminating the services of Shri Kalidas Somabhai Solanki by way of ‘dismissal’ without notice vide punishment order dated 30.09.2003 is legal, proper and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 107.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायालय, पूने (महाराष्ट्र) के पंचाट (संदर्भ सं. 21/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/10/2015-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 107.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2015) of the Industrial Court, Pune (Maharashtra) as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 06.01.2017.

[No. L-12011/10/2015-IR (B-II)]

RAVI KUMAR, Desk Officer

**ANNEXURE****IN THE INDUSTRIAL COURT MAHARASHTRA AT PUNE****Reference (IT) No. 21 of 2015**

The General Manager,  
UCO Bank, Z.O.,  
2190/2191, Sanskrit Vidya Mandir Sports Complex,  
Sahakar Nagar, Pune-411 009

...First Party

**And**

The President,  
UCO Bank Workers' Organisation  
185, Shaniwar Peth, Pune-411 030

...Second Party

**AWARD**

(Dated : 22.11.2016)

This is a reference sent by the Central Government, New Delhi by order No. L-12011/10/2015-IR (B-II) dated 01.06.2015, U/s (2A) of Sec-10 of the Industrial Disputes Act, 1947 to this Court under Sechedule, “whether the action of the management of UCO Bank, Pune is legal and justified in denying pension to Shri D.N. Chavan at par with other employees attaining superannuation, after the action of the management in terminating his service was quashed and set aside by CGIT No. 1, Mumbai award No. 28 of 2004. If not, what relief the workman is entitled to?”

2. After receiving the said reference, notices were issued to both parties. The second party appeared in this matter vide Exh. U-1 and first party vide Exh. C-1. But, the second party workman failed to submit the statement of claim, and

vide Exh. U-5 the second party filed pursis contending that he does not wish to proceed with the matter, therefore the second party wants to withdraw the reference, and accordingly prayed that reference be disposed of.

3. Considering the above facts of the case, as the dispute is settled out of the Court, the second party does not want to proceed with the reference. Hence, I am inclined to accept the condition of the second party and pass following award.

#### AWARD

1. Reference is answered in the negative for want of prosecution.
2. No orders as to cost.
3. Award be communicated to Govt. of India.

Pune :

Dated : 22.11.2016

M. R. KUMBHAR, Presiding Officer

नई दिल्ली, 6 जनवरी, 2017

**का.आ. 108.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायाधिकरण, पूने (महाराष्ट्र) के पंचाट (संदर्भ सं. 30/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.01.2017 को प्राप्त हुआ था।

[सं. एल-12011/43/2014-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 6th January, 2017

**S.O. 108.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2014) of the Industrial Tribunal, Pune (Maharashtra) as shown in the Annexure, in the Industrial Dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 06.01.2017.

[No. L-12012/43/2014-IR (B-II)]

RAVI KUMAR, Desk Officer

#### ANNEXURE

#### IN THE INDUSTRIAL TRIBUNAL AT PUNE

#### Reference (IT) No. 30 of 2014

The Chairman & Managing Director,  
Bank of Maharashtra, Lokmangal,  
1501, Shivajinagar,  
Pune-411 005

...First Party

V/s.

The General Secretary,  
Bank of Maharashtra Employees Union,  
C/o Bank of Maharashtra,  
1177, Budhwar Peth,  
Bajirao Road,  
Pune-411 002

...Second Party

#### ORDER BELOW EXH. O-1

(Dated : 03.11.2016)

The second party remained absent continuously and failed to appear and file Statement of Claim. In view of this present reference stands dismissed in default.

Pune :

Dated : 03.11.2016

S. V. SURYAWANSHI, Presiding Officer



नई दिल्ली, 9 जनवरी, 2017

**का.आ. 109.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2017 को उस तारीख के रूप में नियत करती है, जिसे उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“पूर्व मिदनापुर जिले (पश्चिम बंगाल) के सभी क्षेत्र/संपूर्ण क्षेत्र” ।

[सं. एस-38013/48/2016-एसएस-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 109.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following Areas in the State of West Bengal namely :—

“All the areas of the District East Midnapore, West Bengal.”

[No. S-38013/48/2016-SS-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 110.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 जनवरी, 2017 को उस तारीख के रूप में नियत करती है, जिसे उक्त अधिनियम के अध्याय IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) तथा अध्याय V और VI [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध उत्तर प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रमांक	जिले का नाम	क्रमांक	जिले का नाम	क्रमांक	जिले का नाम
1	आगरा	15	गौतम बुद्ध नगर	29	मिर्जापुर
2	अलीगढ़	16	गाजियाबाद	30	मुरादाबाद
3	इलाहबाद	17	गाजीपुर	31	मुजफ्फरनगर
4	अमेठी	18	गौरखपुर	32	रायबरेली
5	अमरोहा	19	हापुड	33	रामपुर
6	बाराबंकी	20	हरदोई	34	सहारनपुर
7	बरेली	21	हाथरस	35	संत कबीर नगर
8	बिजनौर	22	झांसी	36	संत रबीदास नगर
9	बुलंदशहर	23	कानपुर देहात	37	शाहजहाँपुर
10	चंदौली	24	कानपुर नगर	38	सीतापुर
11	इटवा	25	लखनऊ	39	सोनभद्र
12	फरुखाबाद	26	मथुरा	40	उन्नाव
13	फतेहपुर	27	मउनाथ भंजन	41	वाराणसी
14	फिरोजाबाद	28	मेरठ		

[सं. एस-38013/49/2016-एसएस-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 110.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2017 as the date on which the provisions of Chapter-IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following districts (excluding the areas already implemented) in the State of Uttar Pradesh namely :—

Sl. No.	Name of the District	Sl. No.	Name of the District
1.	Agra	22.	Jhansi
2.	Aligarh	23.	Kanpur Dehat
3.	Allahabad	24.	Kanpur Nagar
4.	Amethi	25.	Lucknow
5.	Amroha	26.	Mathura
6.	Barabanki	27.	Maunath Bhanjan
7.	Bareilly	28.	Meerut
8.	Bijnaur	29.	Mirzapur
9.	Bulandshahar	30.	Moradabad
10.	Chandauli	31.	Muzaffarnagar
11.	Etawah	32.	Raibareilly
12.	Farrukhabad	33.	Rampur
13.	Fathehpur	34.	Saharanpur
14.	Firozabad	35.	Sant Kabir Nagar
15.	Gautam Buddha Nagar	36.	Sant Ravidas Nagar
16.	Ghaziabad	37.	Shahjahanpur
17.	Ghazipur	38.	Sitapur
18.	Gorakhpur	39.	Sonbhadra
19.	Hapur	40.	Unnao
20.	Hardoi	41.	Varanasi
21.	Hathras		

[No. S-38013/49/2016-SS-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 111.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स कांडला पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 305/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-37011/6/1999-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 111.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 305/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kandla Port Trust and their workman, which was received by the Central Government on 05.01.2017.

[No. L-37011/6/1999-IR (M)]

RAJESH KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 05<sup>th</sup> December, 2016

**Reference: (CGITA) No. 305/2004**

The Chairman,  
Kandla Port Trust,  
Administrative Office, P.B. No. 50,  
Gandhidham (Gujarat) – 370201

...First Party

V/s

The President,  
Kandla Port Karmachari Sangh,  
T.C.X. 94,  
Gandhidham (Gujarat) – 370210

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party :

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/6/99-IR(M) dated 24.05.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of Kandla Port Karmachari Sangh in demanding the benefit of refixation of pay of Class III and IV employees by treating interim relief granted between 01.01.1986 and 31.12.1987 as pay for all purpose as per the directives of Ministry of Surface Transport given vide letter dated 16.11.98 and corresponding refixation of pay from 01.01.93 onward along with all consequential benefits are justified? If so, to what relief the workmen concerned are entitled?”

1. The reference dates back to 24.05.2000. The second party submitted the statement of claim Ext. 4 on 18.06.2001 and the first party submitted the written statement Ext. 12 on 24.02.2003. Since then the second party has been absent and has not been leading evidence. On 13.07.2016, Shri S.N. Gandhi advocate for the second party moved an application for adjournment on ground of his illness, the adjournment was granted for 05.12.2016 as last opportunity for leading evidence. But today on 05.12.2016, second party in person as well as Shri S.N. Gandhi advocate are absent to lead evidence. Thus it appears that the second party did not want to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party as under: “the demand of Kandla Port Karmachari Sangh in demanding the benefit of refixation of pay of Class III and IV employees by treating interim relief granted between 01.01.1986 and 31.12.1987 as pay for all purpose as per the directives of Ministry of Surface Transport given vide letter dated 16.11.98 and corresponding refixation of pay from 01.01.93 onward along with all consequential benefits are unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 112.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 372/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30015/2/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 112.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 372/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30015/2/2001-IR (M)]

RAJESH KUMAR, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 01<sup>st</sup> December, 2016

#### Reference: (CGITA) No. 372/2004

1. The Group General Manager (P),  
ONGC Ltd., Ahmedabad Project, Chandkheda,  
Ahmedabad (Gujarat)
2. M/s Thokkans Nakco,  
New Shopping Centre,  
B/h Kalamandir, Govt. Colony, Bandra (East),  
Mumbai – 400051

...First Party

V/s

The President,  
Gujarat Labour Union,  
2453, Ellora Commercial Centre,  
B/h Relief Cinema, Salapas Road,  
Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party : Shri H.K. Acharya

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30015/2/2001-IR(M) dated 01.02.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the job performed by Sh. Thakore Ramaji Bhalaji, Sh. Thakor Ramtuji Manaji, Sh. Thakore Arjiunji Kanji, Sh. Thakore Bhavanji Ramaji, Sh. Thakore Baldevji Fulaji, Sh. Thakore Gopalji Kanji and Sh. Desai Bharat Bhalabhai was of perennial nature and was under Sham and Bogus arrangement?”

“Whether the demand of Gujarat Labour Union, Ahmedabad that these contract workmen should be treated in direct employment of ONGC Ahmedabad project from their date of engagement with consequential benefits is legal and justified? If yes, what relief the contract workmen are entitled and from which date?”

1. The reference dates back to 01.02.2001. The second party The President, Gujarat Labour Union, submitted the statement of claim Ext. 4 on 27.03.2001 and the first party submitted the written statement Ext. 17 on 04.07.2001 along with the documents vide list Ext. 27. After receiving the reference on the creation of this tribunal, fresh notices were issued to both the parties to appear on 28.04.2011 but none appeared for second party to lead evidence however the first party advocate was appeared on most of the dates. Thus it appears that the second party is not willing to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the job performed by Sh. Thakore Ramaji Bhalaji, Sh. Thakor Ramtaji Manaji, Sh. Thakore Arjiunji Kanji, Sh. Thakore Bhavanji Ramaji, Sh. Thakore Baldevji Fulaji, Sh. Thakore Gopalji Kanji and Sh. Desai Bharat Bhalabhai was not of perennial nature and was also not Sham and Bogus arrangement and the demand of Gujarat Labour Union, Ahmedabad that these contract workmen should be treated in direct employment of ONGC Ahmedabad project from their date of engagement with consequential benefits is illegal and unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 113.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 380/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/15/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 113.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 380/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/15/2001-IR (M)]

RAJESH KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 20<sup>th</sup> December, 2016

#### Reference: (CGITA) No. 380/2004

1. The Group General Manager (P),  
ONGC Ltd., Ahmedabad Project, Chandkheda,  
Ahmedabad (Gujarat) – 380001
2. M/s Parishram Labour Co. Op. Society Ltd.,  
The Chairman,  
19, Sahjanand Shopping Centre,  
Shahibaugh, Ahmedabad (Gujarat)

...First Party

V/s

The General Secretary,  
Gujarat Petroleum Employees Union,  
434/36, Gandhivas Koba Road, Sabarmati,  
Ahmedabad (Gujarat)

... Second Party

For the First Party :

For the Second Party :

#### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/15/2001-IR(M) dated 28.03.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of Gujarat Petroleum Employees Union, Ahmedabad to declare that the arrangement through which Shri Parmar Ganpatbhai Bejabhai and Parmar Bharatbhai Narsibhai employed as Chemistry Khallasi in ONGC Ahmedabad Project is ‘sham and bogus’ and the concerned workman who has been terminated from service w.e.f. 28.03.1996 and 23.06.1996 are entitled for reinstatement and absorption is legal and justified? If yes then to what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 28.03.2001. The second party submitted the statement of claim Ext. 8 on 26.04.2003. The second party also moved an application Ext. 9 on 13.10.2003 asking the first party to produce the documents listed in the application. The first party also submitted the written statement Ext. 13 on 20.09.2004. Since then the second party has been absent and has also not lead his evidence. However on 29.09.2016, second party workman moved an application Ext. 14 for adjournment, same was allowed to be listed on 20.12.2016 for leading evidence of the second party but today on 20.12.2016, none responded for the second party for leading evidence. Thus it appears that the second party is not willing to prosecute the reference.

2. Thus the reference in the absence of the second party evidence is disposed of with the observation as under: “the demand of Gujarat Petroleum Employees Union, Ahmedabad to declare that the arrangement through which Shri Parmar Ganpatbhai Bejabhai and Parmar Bharatbhai Narsibhai employed as Chemistry Khallasi in ONGC Ahmedabad Project is ‘not sham and bogus’ and the concerned workman who has been terminated from service w.e.f. 28.03.1996 and 23.06.1996 are entitled for reinstatement and absorption is not legal and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 114.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स विपुल मार्बल्स कं. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 416/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-29011/61/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 114.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 416/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Vipul Marbles Co. and their workman, which was received by the Central Government on 05.01.2017.

[No. L-29011/61/2001-IR (M)]

RAJESH KUMAR, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 24<sup>th</sup> November, 2016

**Reference: (CGITA) No. 416/2004**

The Manager,  
M/s Vipul Marbles Co.,  
Sirvey No. 62, Koteshwar,  
Ambaji (BK) (Gujarat) – 382110

...First Party

V/s

The General Manager,  
Shramjivi General Workers Union, Shram Ghar,  
Near Railway Bridge,  
Palanpur (Banaskantha) (B.K.)

...Second Party

For the First Party :

For the Second Party : Shri N.M. Shah

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-29011/61/2001-IR(M) dated 09.10.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the management of M/s Vipul Marbles Co., Koteswar, Ambaji (B.K.) in discontinuing/terminating the services of Shri Jayesh Kumar Vasudev, workman w.e.f. 20.09.1999 is just, valid and legal? If not, to what benefits the workman is entitled for and what directions are necessary on the matter?”

1. The reference dates back to 09.10.2001. The second party submitted the statement of claim Ext. 5 on 06.03.2002 and the first party submitted the written statement Ext. 10 on 02.07.2003. The second party moved an application Ext. 16 on 26.09.2016 alleging that the workman worked for more than 240 days in each year. Thus the termination of his service was violative of the provisions of Section 25 H & F of Industrial Disputes Act, 1947. First party also moved an application Ext. 18 challenging the jurisdiction of the tribunal. Both the parties filed their objections respectively. But on 30.06.2016, neither of the parties turned up. Therefore, the case was fixed for 24.11.2016 but today on 24.11.2016, none appeared.

2. Thus it appears that both the parties are not willing to prosecute the reference. Therefore, the reference is disposed of in default of the parties with an observation that the action of the management of M/s Vipul Marbles Co., Koteswar, Ambaji (B.K.) in discontinuing/terminating the services of Shri Jayesh Kumar Vasudev, workman w.e.f. 18.11.1999 is just, valid and legal.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 115.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 704/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/39/2000-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 115.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 704/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/39/2000-IR (M)]

RAJESH KUMAR, Under Secy.

### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

**Reference: (CGITA) No. 704/2004**

1. The Executive Director,  
ONGC Ltd., MRBC,  
Vasudhara Bhawan, Ali Yavar Jung Marg,  
Bhandra (E), Mumbai – 400051
2. The Managing Partner,  
M/s Sagar Construction,  
Magdalla – ONGC Road, Toll Tax,  
Surat (Gujarat) – 394518

...First Party

V/s

The President,  
Rashtriya Mazdoor Union,  
Poolbari Naka, Satatwadam,  
Baroda (Gujarat) – 390001

...Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party :

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/39/2000-IR(Misc.) dated 13.07.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand raised by the Rashtriya Mazdoor Union against the management of ONGC Ltd, MRBC, Mumbai vide their letter dated 23<sup>rd</sup> June, 1999 (Annexure A) for regularisation of 63 contract workmen is justified? If so, to what benefit the concerned workmen are entitled to?”

1. The reference dates back to 13.07.2000. The second party submitted the statement of claim Ext. 3 on 25.08.2000 and the first party submitted the written statement Ext.7 on 06.10.2000.
2. On 21.06.2016, the workmen (i) Eknath N. Salian (ii) Hargovind Singh (iii) Imteyaz A. Haidry (iv) Durga Singh (v) Manoranjan Jha & (vi) Manilal Gandhi moved a joint application Ext. 51 for withdrawal from the reference, same was allowed on 21.06.2016. Thereafter on 30.06.2016, the workmen (i) M.V. Sudheer (ii) Pares D. Sathwara (iii) Kaushal Kishor Shukala (iv) Rakesh Bahadur Singh (v) Jaikishore P. Sinha (vi) Samir Bandyopadhyay (vii) Haridayanand Ram (viii) Dayashankar Ram (ix) Prem Kishor Diwedi (x) Shyam Kishore Dubey (xi) Sanjeev Kumar Dubey & (xii) Hemant Kumar Mishra moved fresh joint application Ext. 53 for withdrawal from the reference, same was allowed on 30.06.2016. Thereafter on 19.07.2016, the workman Rajesh Chaudhary moved an application Ext. 56 for withdrawal from the reference, same was allowed on 19.07.2016 and the case was fixed for 23.11.2016. On 23.11.2016, none of the rest of the workmen appeared.
3. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the demand raised by the Rashtriya Mazdoor Union against the management of ONGC Ltd, MRBC, Mumbai vide their letter dated 23<sup>rd</sup> June, 1999 (Annexure A) for regularisation of 63 contract workmen is unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 116.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स विपुल मार्बल्स कं. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 417/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-29011/62/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव



New Delhi, the 9th January, 2017

**S.O. 116.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 417/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Vipul Marbles Co. and their workman, which was received by the Central Government on 05.01.2017.

[No. L-29011/62/2001-IR (M)]

RAJESH KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 24<sup>th</sup> November, 2016

**Reference: (CGITA) No. 417/2004**

The Manager,  
M/s Vipul Marbles Co.,  
Sirvey No. 62, Koteswar,  
Ambaji (BK) (Gujarat) – 382110

...First Party

**V/s**

The General Manager,  
Shramjivi General Workers Union, Shram Ghar,  
Near Railway Bridge,  
Palanpur (Banaskantha) (B.K.)

...Second Party

For the First Party :

For the Second Party : Shri N.M. Shah

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-29011/62/2001-IR(M) dated 09.10.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of M/s Vipul Marbles Co., Koteswar, Ambaji (B.K.) in discontinuing/terminating the services of Shri AjitbhaiRatansingh, workman w.e.f. 18.11.1999 is just, valid and legal? If not, to what benefits the workman is entitled for and what directions are necessary on the matter?”

1. The reference dates back to 09.10.2001. The second party submitted the statement of claim Ext. 5 on 06.03.2002 and the first party submitted the written statement Ext. 10 on 02.07.2003. The second party moved an application Ext. 16 on 26.09.2016 alleging that the workman worked for more than 240 days in each year. Thus the termination of his service was violative of the provisions of Section 25 H & F of Industrial Disputes Act, 1947. First party also moved an application Ext. 18 challenging the jurisdiction of the tribunal. Both the parties filed their objections respectively. But on 30.06.2016, neither of the parties turned up.

2. Therefore, the case was fixed for 24.11.2016 but today on 24.11.2016, none appeared. Thus it appears that both the parties are not willing to prosecute the reference. Therefore, the reference is disposed of in default of the parties with an observation that the action of the management of M/s Vipul Marbles Co., Koteswar, Ambaji (B.K.) in discontinuing/terminating the services of Shri AjitbhaiRatansingh, workman w.e.f. 18.11.1999 is just, valid and legal.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 117.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 723/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/90/2000-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 117.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 723/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/90/2000-IR (M)]

RAJESH KUMAR, Under Secy.

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

#### Reference: (CGITA) No. 723/2004

1. The Executive Director,  
ONGC Ltd., WRBC, Makarpura Road,  
Baroda (Gujarat) – 390009
2. M/s T.R. Sons,  
Hanuman Falia, Madan Zampa Road,  
Baroda (Gujarat) – 390001

...First Party

#### V/s

The President/Secretary,  
Bhartiya Karmachari Sangh,  
Vishwakarma Shram Sadhna Trust,  
101, Shirali Co. ,Kothi Char Rasta,  
Anasthu, Vadodara (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party :

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/90/2000-IR(M) dated 01.01.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the management of ONGC Ltd., through the contractor M/s T.R. Sons in terminating the services of (1) Sh. Narsinhbhai Budhabhai Rathwa, (2) Sh. Narottambhai Gordhanbhai Rathwa, (3) Sh. Govindbhai Maljibhai Rathwa & (4) Sh. Sartanbhai Somanbhai, Attendant & Helper w.e.f. 07.07.2000 is justified? If not, to what relief the concerned 4 workmen are entitled?”

“Whether these contractual workmen were being employed in the prohibited categories of employment as per notification dt. 09.12.1976 & 08.09.1994 issued by Central Government?”

“Whether the demand of Bhartiya Karmachari Sangh, Baroda in considering/treating these 4 contractual workmen as ‘direct and permanent’ employed of ONGC Ltd. w.e.f the date of their entry into the services is proper and justified? If so, what relief the concerned 4 workmen are entitled to and from which date?”

1. The reference dates back to 01.01.2001. The second party submitted the statement of claim Ext. 4 on 01.08.2002. First party submitted the written statement Ext. 4 on 28.06.2002. Since then the second party has been absent on most of the dates and did not prefer to lead evidence. Therefore, on 01.03.2016, the second party was given a last opportunity to lead evidence with a direction that failing with case shall be disposed of as per law but on 05.07.2016 and again on 29.11.2016, the second party did not turn up.

2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of the management of ONGC Ltd., through the contractor M/s T.R. Sons in terminating the services of (1) Sh. NarsinhbhaiBudhabhaiRathwa, (2) Sh. NarottambhaiGordhanbhaiRathwa, (3) Sh. GovindbhaiMaljibhaiRathwa& (4) Sh. SartanbhaiSomanbhai, Attendant & Helper w.e.f. 07.07.2000 is justified.” And “these contractual workmen are not being employed in the prohibited categories of employment as per notification dt. 09.12.1976 & 08.09.1994 issued by Central Government.” And “the demand of BhartiyaKarmachariSangh, Baroda in considering/treating these 4 contractual workmen as ‘direct and permanent’ employed of ONGC Ltd. w.e.f the date of their entry into the services is improper and unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 118.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 731/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/64/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 118.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 731/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/64/2001-IR (M)]

RAJESH KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 21<sup>st</sup> November, 2016

#### Reference: (CGITA) No. 731/2004

1. The Group General Manager(P),  
ONGC Ltd., Ankleshwar Project,  
Ankleshwar (Gujarat)
2. M/s Janpriya Engineering,  
C/o ONGC Ltd., Ankleshwar Project,  
Ankleshwar (Gujarat) – 393010

...First Party

V/s

The General Secretary,  
ONG Mazdoor Sangh C/o Bhartiya Mazdoor Sangh,  
Nr. Asian Paint Chokdi, GIDC,  
Ankleshwar (Gujarat)

...Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party : Shri A.N. Patel

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/64/2001-IR(M) dated 04.07.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the demand of the union to absorb/regularize the services of Sh. Bhagat Rameshbhai Kushalbhay & 4 others (as per list enclosed) as permanent and direct employees of ONGC Ltd. Ankleshwar from the date of their entry in the service as contractual workmen and all other benefits as enjoyed by the regular employees of ONGC Ltd. is legal, proper and justified? If so, to what relief the concerned workmen are entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 04.07.2001. The second party submitted his statement of claim Ext. 9 on 14.09.2002 and first party submitted the written statement Ext. 14 on 03.05.2002. On 04.11.2015, some of the workmen named Ramesh Bhagat, Solanki kishorebhai, Solanki Jitenderbhai, Narendra Solanki and Ghajjar Janeshbhai withdrew themselves from the reference vide application Ext. 49 along with list Ext. 50. Same was allowed and the reference was listed for 03.02.2016 for leading evidence, 08.06.2016, 20.10.2016 and 21.11.2016 but neither of the workmen involved in the reference appear for leading evidence. It is also noteworthy that the list annexed with the reference does not mention any workmen other than aforesaid. Thus in the light of award, nothing has been left for adjudication.

2. Thus the reference is disposed of in the light of the aforesaid observation.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 119.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 736/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/68/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 119.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 736/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/68/2001-IR (M)]

RAJESH KUMAR, Under Secy.

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

**Reference: (CGITA) No. 736/2004**

1. The Group General Manager(Projects),  
ONGC Ltd.,  
Ankleshwar Projects,  
Ankleshwar (Gujarat) – 393010
2. M/s Bindeshwari Engineering Services,  
Plot No. 4907, GIDC,  
Ankleshwar (Gujarat)

...First Party

V/s

The General Secretary,  
ONG Mazdoor Sangh C/o Bhartiya Mazdoor Sangh,  
Near Asian Paint Chokdi, GIDC,  
Ankleshwar (Gujarat)

...Second Party

For the First Party : C.S. Naidu Associates

For the Second Party :

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/68/2001-IR(M) dated 04.07.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of the union to absorb/regularise the services of Shri Vasava Vinodbhai Ramanbhai and Bhati Puransinh Hajarsinh as permanent and direct employee of ONGC Ltd., Ankleshwar from the date of their entry in the services as contractual workmen and all other benefits as enjoyed as the regular employees of ONGC Ltd., is legal, proper and justified? If so, to what relief the concerned workmen are entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 04.07.2001. The second party submitted the statement of claim Ext. 8 on 15.02.2002 and first party submitted the written statement Ext. 15 on 28.06.2002. Since then the second party has been absent on most of the dates and has also not preferred to lead evidence. On 24.02.2016, the second party was given a last opportunity to lead evidence but to no result even after giving 2 opportunities.
2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the demand of the union to absorb/regularise the services of Shri Vasava Vinodbhai Ramanbhai and Bhati Puransinh Hajarsinh as permanent and direct employee of ONGC Ltd., Ankleshwar from the date of their entry in the services as contractual workmen and all other benefits as enjoyed as the regular employees of ONGC Ltd., is illegal, improper and unjustified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 120.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 737/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/101/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 120.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 737/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/101/2001-IR (M)]

RAJESH KUMAR, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### Present :

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 08<sup>th</sup> December, 2016

#### Reference: (CGITA) No. 737/2004

1. The Group General Manager(Projects),  
ONGC Ltd.,  
Ankleshwar Project,  
Ankleshwar (Gujarat)
2. M/s. Sagar Construction,  
301, Avenue Park, City Light Society,  
Opp. Agricultural Farm,  
Surat (Gujarat) – 395007
3. M/s. Yasodeep and Co.  
F-22, Raviraj Complex, Nr. ValiaChokdi,  
Distt. Bharuch,  
Ankleshwar (Gujarat) – 393010

...First Party

V/s

The General Secretary,  
Gujarat Working Class Union,  
A-772, Anand Ganga Kasak,  
Bharuch (East), Gujarat

...Second Party

For the First Party : Shri C.S. Naidu

For the Second Party : Shri A.N. Patel

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/101/2001-IR(M) dated 22.10.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the demand of the Unions to absorb/regularize the services of Shri SaiyadInayatmiya Abbas Ali & Shri Parmar Ratilal Vithalbhai as permanent and direct employees of ONGC Ltd., Ankleshwar Project, Ankleshwar with time scale of pay of their category of work equivalent to their similar placed regular employees of ONGC Ltd. either from the date of entry of their services in ONGC Ltd., or from the date of prohibiting the employment by the Appropriate Govt. by declaring the Contract as sham contract is fair and justified? If so, to what relief for concerned workmen are entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 22.10.2001. The case was listed for evidence of the second party only workmen Saiyad Inayatmiya Abbas and Parmar Ratilal Vithalbhai in the reference but they moved an application Ext. 20 for withdrawal of the reference. Same was allowed on 08.12.2016.
2. Thus the reference is disposed of as withdrawn.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 121.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 759/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30011/84/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 121.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 759/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30011/84/2001-IR (M)]

RAJESH KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

**Reference: (CGITA) No. 759/2004**

1. The Executive Director,  
ONGC, WRBC, Makarpura Road,  
Baroda (Gujarat) – 390009
2. The Regional Sports Council,  
W.O.B.U., ONGC, Campus,  
Makarpura Road,  
Baroda (Gujarat) – 390009

...First Party

**V/s**

The Legal Secretary,  
Bharatiya Karmachari Sangh,  
Vishwakarma Shramasadhna Trust,  
101, Shirali Complex,  
Kothi Char Rasta, Anustu Tekri,  
Baroda (Gujarat) – 390001

...Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party : Shri Sudhir Shah

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/84/2001-IR(M) dated 10.01.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the action of the management of Sports Council, ONGC Ltd., Baroda in terminating the services of Shri Gamabhai Manibhai Muniya & Mr. Ranchodbhai Tadvi is legal, proper and justified? If not, to what relief the concerned workmen are entitled to and what other directions are necessary in the matter?”

1. The reference dates back to 10.01.2002. The second party submitted the statement of claim Ext. 4 on 28.11.2002 and first party submitted the written statement Ext. 5 on 22.03.2003. Since then the second party has been absent on most of the dates and has also not preferred to lead evidence.
2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of the management of Sports Council, ONGC Ltd., Baroda in terminating the services of Shri Gamabhai Manibhai Muniya & Mr. Ranchodbhai Tadvi is legal, proper and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 122.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ. एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 762/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-30012/88/2001-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 122.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 762/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-30012/88/2001-IR (M)]

RAJESH KUMAR, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

**Reference: (CGITA) No. 762/2004**

1. The Group General Manager(Projects),  
ONGC Ltd.,  
Ankleshwar Projects,  
Ankleshwar (Gujarat) – 393010
2. M/s Industrial Security Services,  
Upal Tower,  
1<sup>st</sup> Floor, Opp. M. Jagdamba Mills Road,  
Surat (Gujarat)

...First Party

V/s



Shri Jayanti Ishwarbhai Gohil,  
P.O. Paniyadra, Taluka Vagra, District – Bharuch,  
Bharuch (Gujarat) .....Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party :

### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/88/2001-IR(M) dated 28.02.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

### SCHEDULE

“Whether the action of the management of ONGC Ltd., Ankleshwar Project in terminating the services of Shri Jayanti Ishwarbhai Gohil, Mechanical Helper w.e.f. 13.09.1999 through its Contractor M/s Industrial Security Services, Surat is legal, proper and justified? If not, to what relief the concerned workman is entitled to and what other directions are necessary in the matter?”

1. The reference dates back to 28.02.2002. The second party submitted the statement of claim Ext. 4 on 27.11.2002 and first party submitted the written statement Ext. 8 on 28.03.2003. Since then the second party has been absent on most of the dates and has also not preferred to lead evidence.

2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the action of the management of ONGC Ltd., Ankleshwar Project in terminating the services of Shri Jayanti Ishwarbhai Gohil, Mechanical Helper w.e.f. 13.09.1999 through its Contractor M/s Industrial Security Services, Surat is legal, proper and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 123.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एयरपोर्ट अथॉरिटी ऑफ इंडिया एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 852/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-11011/59/2003-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 123.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 852/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Airport Authority of India and others and their workman, which was received by the Central Government on 05.01.2017.

[No. L-11011/59/2003-IR (M)]

RAJESH KUMAR, Under Secy.

### ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD**

**Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 29<sup>th</sup> November, 2016

**Reference: (CGITA) No. 852/2004**

1. The Airport Director,  
Airport Authority of India,  
Civil Aerodrome, Harni, Vadodar (Gujarat) – 380022
2. M/s Kirloskar Pneumatic Co. Ltd.,  
Samrudhi, Opp. Guj. High Court, Navjivan,  
Navranpura, Ahmedabad (Gujarat) – 380084
3. M/s Sigma Electricals,  
203, Sardar Patel Wadi, Sanstha Vasahat,  
Raopura,  
Vadodara (Gujarat) – 390001

...First Party

**V/s**

The Secretary,  
Bharatiya Karmachari Sangh,  
Shastri Pole, Kothi Char Rasta,  
Vadodara (Gujarat) – 390001

...Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party : Shri Sudhir J. Shah

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-11011/59/2003-IR(M) dated 26.02.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of the Union for regularising the services of 24 workmen (list as Annexure 1) as permanent and regular employees of Airport Authority of India is legal, proper and justified? If so, to what relief these workmen are entitled and from which date and what other directions are necessary in the matter?”

“Whether the action of the management of Airport Authority of India through their Contractors in terminating the services of S/Shri (i) vijay K. Makwana, (ii) Jitendra M. Makwana, (iii) Yogesh N. Tandel, (iv) Pandurang P. Goadawale, (v) Amarish V. Dave, (vi) Upendra R. Chauhan, (vii) Nilesh A. Patel and (viii) Sandeep D. Patel is legal, proper and justified? If not, to what relief the concerned workmen are entitled?”

1. The reference dates back to 26.02.2004. The second party submitted the statement of claim Ext. 3 on 29.03.2004. The first party submitted the written statement Ext. 22 on 23.04.2004. Second party submitted the rejoinder affidavit Ext. 41 on 04.05.2004 but even after a lapse of 12 years, second party did not prefer to lead evidence and has also been absent on most of the dates. On 04.01.2016, the second party was given last opportunity to lead evidence but to no result.

2. Thus it appears that the second party is not willing to prosecute the case. Therefore, the reference is disposed of in the absence of the evidence of the second party with an observation as under: “the demand of the Union for regularising the services of 24 workmen (list as Annexure 1) as permanent and regular employees of Airport Authority of India is not legal, improper and unjustified.” And “the action of the management of Airport Authority of India through their Contractors in terminating the services of S/Shri (i) vijay K. Makwana, (ii) Jitendra M. Makwana, (iii) Yogesh N. Tandel, (iv) Pandurang P. Goadawale, (v) Amarish V. Dave, (vi) Upendra R. Chauhan, (vii) Nilesh A. Patel and (viii) Sandeep D. Patel is legal, proper and justified.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2017

**का.आ. 124.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 959/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.01.2017 को प्राप्त हुआ था।

[सं. एल-37012/23/1993-आईआर (एम)]

राजेश कुमार, अवर सचिव

New Delhi, the 9th January, 2017

**S.O. 124.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 959/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kandla Port Trust and their workman, which was received by the Central Government on 05.01.2017.

[No. L-37012/23/1993-IR (M)]

RAJESH KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi,  
Presiding Officer, CGIT-cum-Labour Court,  
Ahmedabad,  
Dated 05<sup>th</sup> December, 2016

**Reference: (CGITA) No. 959/2004**

The Chief Mechanical Engineer,  
Kandla Port Trust,  
Port and Custom Building, New Kandla,  
Gandhidham (Gujarat) – 370201

...First Party

**V/s**

The Depty General Secretary,  
Kandla Port Karmachari Sangh,  
T.C.X. 92,  
Gandhidham (Gujarat) – 370210

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri S.N. Gandhi

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37012/23/93-IR(M) dated 24.02.1994 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether the demand of Kandla Port Karamchari Sangh, Gandhidham for Night Weightage Allowance to the staff working in shift between 22:00 hrs to 06:00 hrs in Chief Mechanical Engineering Department, against the management of Kandla Port Trust, Gandhidham (Kutch), justified and legal? If so, to what benefits the employees are entitled for and what directions are necessary in the matter?”

1. The reference dates back to 24.02.1994. The second party submitted the statement of claim Ext. 4 on 16.07.1995 along with documents vide list Annexure 1. The first party submitted the written statement Ext. 8 on 29.04.1997. Since then the second party has been absent and has not been leading evidence. On 13.07.2016, Shri S.N. Gandhi advocate for the second party moved an application for adjournment on ground of his illness, the adjournment was granted for 05.12.2016 as last opportunity for leading evidence. But today on 05.12.2016, second party in person as well as Shri S.N. Gandhi advocate are absent to lead evidence. Thus it appears that the second party did not want to prosecute the case.

2. Therefore, the reference is disposed of in the absence of the evidence of the second party as under: “the demand of Kandla Port Karamchari Sangh, Gandhidham for Night Weightage Allowance to the staff working in shift between 22:00 hrs to 06:00 hrs in Chief Mechanical Engineering Department, against the management of Kandla Port Trust, Gandhidham (Kutch), unjustified and illegal.”

P. K. CHATURVEDI, Presiding Officer